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FACTS AND EVENTS BEHIND THE SCENES OF SLOVAKIA'S DECLARATION OF INDEPENDENCE

(A chapter from the book "The Case of Slovakia" to be published on the occasion of the twentieth anniversary of Slovakia's declaration of Independence)

By J. M. Kirschbaum

The presentation of events which led to Slovakia's declaration of independence needs some comments and explanation in order to be properly understood. Some American historians accepted, without the necessary caution, the one-sided Czech presentation of the political causes, as well as of the activities of individual Slovak politicians and their intentions.

Three things are to be particularly commented upon: 1) the imminent menace of Hungarian occupation; 2) the visit of Keppler-Seyss-Inquart-Bürckel to Bratislava, or the so-called Sidor episode; and, 3) attitudes and activities of the principal Slovak leaders.

The writer, though too young according to the American standards to play a role in national politics, was, in many respects, involved in the March imbroglio as a former member of the editorial staff of the Slovak People's Party newspapers, as a leader of university and youth organizations, and since October 1938 as the Executive Secretary to the Minister of Justice and, finally, as a close friend of Alexander Mach and Dr. Ferdinand Ďurčanský.

Being one of those on the list of the Prague's government who was supposed to be arrested on March 10, 1939, the writer was from the first moment in continuous contact with Dr. Joseph Tiso and Karol Sidor, on the one hand, and with Dr. Ďurčanský over the border in Vienna, on the other, and, of course, with Alexander Mach and the leaders of the University Hlinka Guards, as well.

Was there any serious Hungarian menace? Did Ribbentrop use Horthy's telegram as part of a premeditated trick in order to influence Dr. Tiso and Ďurčanský, or did the Hungarians really intend to occupy Slovakia?

All documents and published memoirs prove that the Hungarian government undoubtedly aimed at the annexation of Slovakia in 1938-1939; this was a twenty-year effort on the part of Magyar politicians and diplomats, in 1938 strongly supported by Mussolini and Ciano, and never denied by any Magyar. The slogan of Magyar politics between the wars was "Mindent vissza" — everything returned that Hungary "lost" at the Peace Conference of 1919 or prior to that time. In 1938-1939 the Magyars saw, for the first time, an opportunity for their dreams and desires to be realized.

According to published documents of the Nuremberg Trials, the telegram sent to Hitler by Hungary's Regent Nicholas Horthy and mentioned during the conversations between the Chancellor Hitler and the Slovak representatives, reads as follows:

Your Excellency:

Heartfelt thanks. I cannot express how happy I am, for this headwater region is, in fact, for Hungary — I dislike using big words — a vital question.

Notwithstanding our recruits of but five weeks, we are tackling the matter with enthusiasm. The plans are already laid. On Thursday the 16th of this month a frontier incident will take place, to be followed on Saturday by the big thrust. I shall never forget this proof of friendship and Your Excellency can at all times ever rely steadfastly on my gratitude.

In friendly devotion
Horthy

Budapest, March 13, 1939.

The term "headwater region" means Slovakia, and, since the Slovak leaders were informed by Dr. Vehsenmeyer already in February of a planned invasion of Slovakia by Hungary about March 15, they definitely could not doubt the seriousness of the situation.

In fact, the Hungarian menace played quite an important role before Dr. Tiso and Dr. Ďurčanský were invited by Chancellor Hitler to Berlin. When President Háchá, on March 10, deposed the Slovak autonomous government and

issued orders for the arrest over 300 Slovak leaders, including the members of Dr. Tiso's government and the Slovak Diet, Dr. Ďurčanský fled to Vienna in order to save Slovakia from Hungarian occupation or division among the neighbors. Ďurčanský was one of the Slovak politicians who knew of German plans with regard to Bohemia, since he was also present at the meeting with Dr. Vehsenmeyer, on February 13, at which the latter informed Slovak leaders of Hungary's plans.

After a long discussion with deposed premier Msgr. Tiso, the writer, on the afternoon of March 10, crossed the Danube in order to meet Ďurčanský on Austrian territory and discuss the proper steps to be taken. There was no doubt that Germany would, within two or three days, occupy Bohemia and Slovakia's fate depended on Slovakia's decision and political adroitness. For Ďurčanský and the writer it was clear that the hour of decision in regard to Slovakia's independence had arrived. In our eyes, it was one of the historical opportunities which numerically small, dominated peoples cannot bypass without paying heavy penalties. Long before March, we spoke and wrote on Slovakia's right to independence and definitely no hatred toward the Czechs or sympathy for Germany or Nazism played any role in our minds. As members of the conservative Slovak People's Party with a Christian democratic world outlook, we were opposed to the Nazi ideology or political system from all points of view. We were both former functionaries of Catholic University organizations (1), who received their political schooling in Paris and we were adherents to the philosophy of the natural right of peoples to self-government.

In our opinion, and such was the case with many educated Slovaks of our generation, the March events presented to Slovaks the first international opportunity to apply the right to independence. When we saw that Slovakia could be saved at the same time from Hungarian occupation or division among the neighbors, we feverishly worked on preparing Slovakia's declaration of independence. A draft of a government of Independent Slovakia was prepared by Ďurčanský, and we discussed what steps to take in Slova-

kia and what to do in Vienna and Berlin where, since Munich, there was undoubtedly a new "Versailles" for Central Europe, with a German free hand in disposing of the future of Central European peoples.

While Ďurčanský returned to Vienna, the writer crossed the Danube with the draft of the new government and had a task to obtain Dr. Tiso's consent and to convince Karol Sidor that the hour had struck for declaring Slovakia's independence; that it was the only way to save Slovakia and that we should not hesitate to seize a historical opportunity to achieve what peoples of the globe, including the Americans, tried to achieve by blood and bitter battle as the highest ideal of their national aspirations.

Back in Bratislava I found the situation a little confused but no longer in the hands of the Czech gendarmerie and army. The Hlinka Guards and university students were openly manifestating for independence. Dr. Tiso left Bratislava in the meantime, for his parish town Banovce, and I was able to reach him only through messengers and by the telephone. My long discussion with Karol Sidor, who was on the list of the future government of independent Slovakia as Prime Minister, was not successful. He was reluctant to give a written statement that he was in favor of Slovakia's independence, though he agreed with our activities for independence. Sidor feared that I could be arrested and such a statement, if found by the police would cause more harm than good. He feared particularly that the Czechs would execute the 300 Slovak political prisoners among whom he had many personal friends. Sidor was not against Slovakia's independence in principle and had previous contacts with German representatives, the last on March 7 with Seyss-Inquart with whom he discussed such a possibility. According to his views, expressed during our conversation, the situation was not yet ripe and, therefore, he said he would neither hinder nor help if anyone else were to try to make Slovakia independent (2).

Sidor's behavior was also caused, as I learned during my second conversation with him, by the fact that he knew that Prague would appoint him Prime Minister of the Slovak Autonomous Government. In the middle of our second

discussion, Prague's radio actually announced that President Hácha nominated him head of the Slovak Autonomous Government. Sidor got off his seat after the news and said to me: "For the time being, I am decided to accept this premiership."

My secretary and several officers of the Academic Guard were waiting in front of Sidor's residence and one of them was sent to bring the news to Dr. Ďurčanský who, in the firm hope that my mission was successful, in the meantime, informed the German representatives in Vienna that Slovakia would declare independence and handed them the draft of the proposed Slovak government headed by Dr. Tiso as President and Sidor as Prime Minister (3).

The radio news of Sidor's acceptance of Hácha's nomination caused confusion in Vienna and Berlin about the Slovak situation and it was for this reason that Hitler sent Keppler to Bratislava to learn from Sidor what was the intention of Slovak leaders.

W. Keppler, who was at that time Secretary of State, accompanied by Reichs Governor, Seyss-Inquart, the Gauleiter of Austria, Joseph Bürckel, Franz Karmasin, and Rudolf Vavra, an active leader of the Slovak group in Vienna, paid a midnight visit to Sidor in the government building in Bratislava. Sidor expected the visitors and to the contrary of what was unobjectively reported about impolite behavior and pressure, Keppler behaved politely, did not insist and did not threaten. He informed Sidor, apologizing for his late visit, that Chancellor Hitler received telegrams urging him to support Slovakia's claim for independence and, therefore, sent him to ascertain the real state of affairs. Sidor at first argued evasively through an interpreter and tried to convince his visitors that Slovakia was not yet prepared, according to his views, and that the Parliament and not individuals had the right to declare independence. The discussion became less diplomatic only when Bürckel, who was apparently under the influence of alcohol, began to talk loudly and showed Sidor the list of government which Dr. Ďurčanský had sent to Berlin, relying on the success of my earlier discussions with Sidor. Bürckel, undiplomatically and not quite in line with the truth, in-

sisted that Sidor had already given his consent "when Dr. Kirschbaum visited you". Sidor declared that it was not true. Búrckel, surprised and irate, retorted that "the Führer must not be embarrassed and deceived". Though Sidor tried to explain that he had neither embarrassed nor deceived Chancellor Hitler, Keppler and his entourage seemed apparently disappointed and disillusioned, and Keppler later reported to Hitler that Sidor was a "soldier of Prague and had been bribed".

It was this failure of Keppler's mission which motivated Hitler to send an invitation to Dr. Joseph Tiso. The writer was asked by Ďurčanský from Vienna to find out if Tiso would accept such an invitation. I called Dr. Tiso at about midnight and mentioned that I wished to discuss matters of utmost importance with him. Dr. Tiso answered that it was too late to discuss serious matters and asked me to call the next morning. I immediately sent two reliable officers of the Academic Guards and my chauffeur with a message to Dr. Tiso's parish town and informed Dr. Ďurčanský in Vienna. Another messenger was, however, also enroute with two formal invitations through Consular channels. Dr. Tiso asked the writer to inform the president of The Slovak Diet, the Slovak Government and the leadership of the Hlinka Party that he would be back in Bratislava for consultation in the morning. At a joint meeting of all the leaders of Parliament, Government, and the Party — it was decided, on the morning of March 13, to accept the invitation. Accompanied by a member of Parliament, Dr. Tiso left for Vienna and from Vienna, joined by Dr. Ďurčanský and Keppler, flew to Berlin.

For truth's sake, the writer adds that Dr. Tiso and Dr. Ďurčanský were received in Berlin in accordance with diplomatic protocol, as representatives of foreign nations were accustomed to being received. From many discussions which the writer had with Dr. Tiso on this subject and from Dr. Tiso's report to the Slovak Diet on March 14, 1939, it is clear that the Slovak representatives were received politely and no pressure or arrogant behavior (such as adversaries of Slovak independence tried to make the Western World believe) (4) was resorted to on that occasion.

The news of Dr. Tiso's departure caused the tension in Bratislava and in all of Slovakia to grow. There was now not only fear of Hungarian occupation, if Dr. Tiso's mission were to fail but also fear of occupation by the Germans whose troops were stationed on the banks of the Danube on the Austrian side. At the same time there was, however, also a strong hope that Slovakia finally would become an independent state and that the dreams, desires and wishes of many Slovak generations would come true.

1. The writer was vice-president of Pax Romana and Slavia Catholica and, for many years, president of the Catholic Federation of Slovak Students.

2. Cfr. Sidor's: *Poznámky k historickým dňom r. 1939* — published by Lettrich's Regime, Bratislava, 1946, and also accounts in *Slovenská Obrana*, October, 1939.

3. The Government was composed as follows: President — Dr. Joseph Tiso; Prime Minister — K. Sidor; Foreign Affairs — Dr. Ďurčanský; Education — M. Černák; Finance — A. Mederly; Economy — Dr. Pružinský; Communications — Dr. Kirschbaum; National Defense — Gen. Čatloš; Propaganda — A. Mach; Justice — Dr. V. Tuka. — See details in *Slovenská Obrana*, October 17, 1939.

4. The minutes of the Slovak Diet. Also Sidor's remarks on the historic days (manuscripts, not the excerpts published by the Communists in order to condemn Dr. Tiso).

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THE GERMAN ZONE OF PROTECTION IN SLOVAKIA

(A study in Slovak-German relations in March-August 1939)

František Vnuk

On March 14, 1939, the independence of Slovakia was proclaimed by the Slovak Assembly. Two days later Baron von Weizsäcker wired a circular to all German diplomatic missions informing them that Slovak Prime Minister Dr. Tiso had transmitted the following request to the Führer by telegram: With full trust in you, the Führer and Chancellor of the Greter German Reich, the Slovak State places itself under your protection. The Slovak State asks you to take over this protection (1). Hitler acknowledged the receipt of the telegram and complied with the request. For this purpose a treaty of protection between Germany and Slovakia was drawn up (2).

Article 2 of the treaty stipulated that "the German Wehrmacht shall at all times have the right to set up

military installations in a zone bounded on the west by the frontier of the Slovak State and on the east by the general line of the eastern edge of the Little Carpathians, the eastern edge of the White Carpathians and the eastern edge of Javorniky, and to man these installations with such forces as the German Wehrmacht consider necessary... Military sovereign rights (Hoheitsrechts) will be exercised by the German Wehrmacht (in this zone)" (3).

The establishment of this zone (4) represents in many respects an interesting aspect of Slovak-German relations. It casts a favorable light on a well-conceived but less successful attempt to extricate Slovak foreign policy from the agreed upon Slovak-German coordination in this field. This praiseworthy attempt and the subsequent unyielding behavior of Slovak politicians in the face of Hitler's demands contrast sharply with the charges of vassalage and servile obedience. In fact, the Slovaks resisted and contradicted Hitler's wishes (and with some success, too) when powerful nations yielded and were advising others to yield.

The negotiations concerning the zone were initiated on the night of March 17-18, 1939, in Vienna. At this time the occupation of Western Slovakia was already an accomplished fact (5) and — since possession is nine points of the law — the position of the Slovak negotiators was noticeably weakened and by no means enviable. Nevertheless Dr. Joseph Tiso, Ďurčanský, Tuka, and Mach, the principal Slovak representatives, were determined to save could be saved. Preliminary negotiations started at Búrckel's flat at 5 p. m. Afterwards the Slovaks met Seyss-Inquart, then Keitel, and finally, at 1 a. m., on the 18th, in the Hotel Imperial they faced Hitler. Each stop represented more humiliation and more pressing demands and brought home one thing: Hitler was going to exact a high price for his protection; much higher than he ever hinted at in Berlin on March 13th. Tiso was so disappointed at — what he rightly considered — being let down that he wanted to return to Bratislava without even seeing Hitler. Only his companions persuaded him to stay, arguing that in front of the Germans they all ought to show a united

determination not to give up even an inch of sacred Slovak soil(6).

When Hitler, in the presence of Ribbentrop and Keitel, met the Slovaks, he told them — according to the testimony of Tiso — that the 'Schutzvertrag' could be realized only if Germany were given far-reaching concessions to build up a zone in Western Slovakia. The extent of these concessions — as Tiso clearly saw — left the Slovaks practically without any rights to exercise their sovereignty in that territory. It was more than he could bear. At 2:45 A. M. he got up and was at the point of departure. Hitler, it must be said, in spite of his many shortcomings had a soft spot for the Slovaks and, apparently moved by the pathetic sight of the hardpressed proteges, stopped Tiso with a very assuring piece of oratory. He said:

"I do not want even an inch of Slovak ground. In Slovakia the Slovaks alone will develop their own national, cultural, and economic life. I shall guarantee the full independence and territorial integrity of Slovakia. The historical frontiers of Slovakia are and remain forever unchanged. I shall hold my protective hand over Slovakia and nobody will reach with stealthy hand for the Slovak State, where the Slovaks will live their own full life" (7).

This rhetorical outburst pacified the Slovaks; the rest of the discussion was carried on in a much happier mood. The Slovaks ceded the Germans the right to build and man fortifications in the zone "so as to enable the German Wehrmacht, in the event of war, to take up such positions as are most advantageous to it" (8). The Slovak delegation left Vienna with the impression that the zone remained within the legal structure of the Slovak State. No treaty was formulated or signed that night.

Formal negotiations were conducted on the afternoon of March 18. Tiso did not take part in these conversations. The Slovaks were represented by Dr. Ferdinand Ďurčanský, Tuka a Zvrškovec; the Germans by Keppler and Gaus, the legal adviser to the Foreign Minister. The Treaty of Protection (Schutzvertrag) was signed in Vienna the same day by Ďurčanský and Tuka who also pledged to obtain Tiso's signature to the Treaty by noon of March 19, in re-

turn for which Keppler undertook to get Ribbentrop's signature within 24 hours. Ďurčanský, Tuka, and Veesenmayer brought the Treaty to Tiso for signature the evening March 18; he signed it and appeared to be satisfied with its formulation (9).

Ribbentrop, on the other hand, did not sign the Treaty within the stipulated time limit. All in all, the Germans were in no particular hurry with respect to the Slovaks. The reason for their procrastination, which was so frustrating and inexplicable to the Slovaks then (10), is seen clearly now: they hoped to come to terms with the Poles and Hungarians.

The Polish White Book gives an account of Ribbentrop's proposals to Lipski on March 21 (11), namely, that German-Polish discussions "would be possible on this subject" (i. e., on the question of Slovakia). But the Germans must have considered the Polish attitude discouraging, and Ribbentrop put his signature on the Treaty on March 23, in Berlin (12), but not before Article 3 of the Treaty was modified and the words "in order to defend Slovak State against any possible external attacks" were omitted.

Once the Treaty was signed, the execution of Article 2 proved to be more difficult than anticipated. Apparently the German military authorities were not very happy with what, after all, was a political settlement. Their behavior left much to be desired and Slovak protests were very soon pouring in. At first, the surprised Slovaks asked for an explanation, but later protested very vigorously.

On March 25, the Slovak Foreign Ministry in a 'note verbale' called for a more definite determination of the probable duration and character in international law of the German occupation of Slovak territory. The note also protested against the exercise of sovereign rights "beyond those of military necessity" and against the removal of military material which — they claimed — by the secession of Slovakia, had legally become Slovak State property (13).

It was inevitable that the occupation would cause considerable friction between the Slovak population and the German troops, and that this friction would project unfavorably into Slovak-German relations. But the amount

of misunderstanding surpassed every expectation. The Slovaks in their optimistic enthusiasm were determined to enjoy their newly-gained independence to the fullest extent and consequently found the German presence in the zone very annoying and did not even try to hide their displeasure. The Germans, on the other hand, especially the military, did not bother to adjust their behavior in respect to the Slovaks. An ordinary German soldier and officer, fresh from victorious entries into Austria, the Sudetenland, and Bohemia, was hardly expected to be less arrogant towards Slovaks than he was towards Czechs; superiority was after all the essential part of his make-up. There were many instances of discontent, misunderstanding, and small incidents, and their existence could be best gauged by the frequent apologies and assurances which the Slovak Press Bureau was issuing in the newspapers and on the air.

Under pressure of Slovak protests and complaints, the German representatives of General Staff and Foreign Ministry, at a meeting on March 28, agreed on a unified attitude towards the question of the zone. Their conclusions, though still by no means modest, represent in many respects retreat in the face of the Slovak protests, and can be briefly summarized as follows:

1. Withdrawal of the German Custom Frontier Protection Force to the Slovak-Moravian frontier.
2. The Váh fixed as the line of military occupation.
3. Appointment of a staff officer to the Consul General to act as liaison between the Slovak Army and the Wehrmacht.
4. The German troops east of the Váh to be recalled.
5. German claim to the entire war material of the former Czecho-Slovak army.
6. No removal of war material east of the occupied zone.
7. Decision as to size of the Slovak army.
8. Creation of separate military formation for the Volksdeutsche (14).

Negotiations on the above topics took place on April 4 and were reported by Pares. Unfortunately no details concerning conversations are available, but it is known that

the Slovaks were represented by Dr. Tiso and the Ministers of War, Finance, and Economics, and the chief subject was the removal of war material "purchased by the German Government from the Czecho-Slovak Government which had been stored in Slovakia" (15).

As a result of these conversations, in addition to a German military adviser to be sent to Bratislava, a mixed Slovak-German commission was to be appointed to settle any controversial issue. At about the same time Tuka in his broadcast promised that the German army would leave when it was no longer needed.

On April 15, the High Command of the Wehrmacht submitted a list of requirements, the fulfilment of which was expected from the Slovak Government under the Treaty of Protection. The demands, even in their "more lenient" form, were very exacting:

1. The High Command intended to maintain its military forces east of the Váh until the removal of "Czech arms and Czech war material" was completed.

2. Among the sovereign rights they claimed the right to occupy military and also public and private buildings, to use all forms and means of transport, to have at their disposal the factories concerned with war economy, duty-free import and export, postal services, telecommunications and Intelligence Service (Abwehrrdienst).

3. The zone to include also Trenčín, Krupá, Žilina, and Považská Bystrica.

4. The size of Slovak army to be completed at one per cent of the population.

5. No units of the Slovak army to be garrisoned within the zone, but para-military formations (Hlinka Guards) to be allowed.

6. Export and import of war material to and from Slovakia to be refused or permitted by the Slovak Government only in agreement with the Reich Government or the High Command of the Wehrmacht (16).

When these requirements were communicated by Drufel to Tiso, the latter declared that the Slovak Government did not wish to make difficulties, but asked for discussions with the German authorities on the highest level before

making any definite commitments. The Germans consented and, as a result, a conference took place in Berlin on April 19. Slovak representatives included Tiso, Ďurčanský, and Tuka, the Ministry of Defense was represented by Čatloš and Schneider, and also present were Černák and Szathmary from the Slovak Legation in Berlin. The German delegation consisted of top-ranking experts, both political and military, but conspicuous by their absence were the policy making personalities of the Reich. Its members were: Weissäcker, Keppler, Wörmann, Gaus, Altenburg, Tippelskirch, Heyden-Rynsch, and Becker. Slovak grievances were numerous.

To start with, Tiso mentioned the occupation by German troops of the aerodrome of Malacky and the demand by a German armored formation for transit through Bratislava. Then he complained of the severity of the demands of the German Wehrmacht, stating that "extension of the zone to Trenčín and Žilina was hardly bearable for the Slovak Government"; of the behaviour of the German troops who in some villages occupied schools and thus made school attendance impossible, and employed Czech workers in preference to Slovaks. Furthermore, he claimed a share in the ownership of the former Czecho-Slovak arms factories and clamored for the return of a number of aircraft. German answers were either non-committal or asked to extend negotiations to clarify the application of the Treaty. Apparently the Slovaks demanded more than the German representatives were empowered to grant.

Meanwhile the joint Slovak-German Commission was negotiating the treaty on the Zone of Protection but it did not seem to make any noticeable progress. On June 12, the Slovaks submitted another "note verbale" which contained a number of Slovak views on the interpretation of the text of the Treaty. Arguments advanced by Slovaks were discussed at the conference on June 19 (17), where Tiso expressed the wish to draw up a memorandum and to discuss it personally with Hitler in hopeful expectation that the Slovaks might get more favorable treatment at the hands of the Führer, than they were getting from his representatives. Hitler, however, declined to see Tiso and refused to consider the various points of the Slovak memorandum.

On June 21 this memorandum, in the form of an "aide mémoire", was submitted to the German Foreign Ministry (18). It represented a voluminous list of complaints and expressed an outburst of accumulated Slovak indignation about the German injustices. It questioned German rights to exclude Slovak garrisons from the zonal area, the interpretation of "sovereign rights", and claimed as Slovak the former Cecho-Slovak military installations which were taken over by the Wehrmacht (such as the artillery range at Malacky); furthermore, it also questioned the wisdom of maintaining German garrisons outside the zone (e. g., in Žilina, Trenčín, Nové Mesto nad Váhom) and criticised excursions of German troops to Bratislava and other places outside the zone.

With regard to military material, the Slovak memorandum complained about the removal of war material from Pezinok, Modra, Malacky, Plavecké Podhradie, Hlboké, Turecký Vrch, Senica, Nemcová, Nové Mesto nad Váhom, Trenčín, Istebník, Skalka, and Žilina in a manner which "transgressed the bounds of an amicable atmosphere". Furthermore, it objected to occupation of munition factories and factories producing various types of war material at Dubnica, Považská Bystrica, Stará Turá, Myjava, and Žilina; to taking over of the stocks and installations of the airports at Nový Dvor and Žilina; and it sadly commented that proceedings connected with the removal of war material were often conducted "as though Slovakia were an enemy country and not a State whose political and territorial independence had been guaranteed by the Führer and Chancellor". The memorandum concluded a few more grievances against the military authorities whose attitude caused "administrative and economic uncertainty".

The matter was then brought to Hitler's attention. This is evident from a statement made by Keitel on June 20, according to which Hitler's decision on the subject at the conference held by him amounted to the following: "The Führer said that he wished the negotiations to be conducted energetically and resolutely which, together with our concrete offers, must lead to early success. The prerequisite for the proposed support of Slovakia is the complete accep-

tance of our demands, the more so as Slovakia is dependent on our military, economic, and financial aid."

This authoritative pronouncement meant that all the subsequent attempts of the Slovaks for better terms encountered the adamant attitude of the German authorities. Thus, when, on June 22, the Slovak Minister in Berlin (Matúš Černák) saw Wörmann at the German Foreign Ministry, he was brusquely told that the Germans disagreed with the Slovak Foreign Ministry's attempts to establish inconsistencies between the demands of the German Military Delegation and the assurances given by leading German statesmen regarding the conclusion of the Treaty of Protection. He was asked to make it clear in Bratislava that "the Military Delegation was among these demands in the name of the German Government". Černák suggested that concessions be made by both parties and thought that this would make it possible to reach an agreement which would "not only maintain, but arouse sympathy for Germany" among the Slovak population. But Wörmann had little understanding for the Slovak point of view and berated the Slovaks because several of the demands expressed in the memorandum of June 19 were in contradiction to the Treaty of Protection (19).

On July 3, Černák again called on the German Foreign Ministry, where he saw Weizsäcker. He pleaded with him for moderation of the German demands, arguing that "Tiso's... pro-German policy would be shaken, if it were not supported. In case of emergency, Slovakia would, of course, be completely at the disposal of German Armed Forces, but in peace-time one ought to remain within the scope of the terms of the Treaty. But again Černák's arguments were of no avail and were, one by one, refuted by Weizsäcker. Faced with such an uncooperative attitude, Černák asked to be allowed to speak to Ribbentrop personally, but was told that the Foreign Minister was not available (20).

The Slovaks, ignorant of Hitler's decision and trusting in his words with hopeful optimism, left no stone unturned in their attempts to secure more favorable terms. Their representatives were untiring in demanding interviews with Hitler and Ribbentrop who, as the chief architects of the

Slovak-German Treaty, could be made, they thought, to stand up to their promises. In this, however, they were unsuccessful. But they could get only to Weizsäcker; and he, after trying to persuade them that the German negotiators "were acting on the instructions issued to them by the authoritative persons in the Reich", admonished the Slovaks that they should look at them as such and "conduct themselves accordingly" (21).

As time went by, the Germans were getting progressively more and more anxious to have the whole issue about the interpretation of the Treaty finally settled and were apparently annoyed by the delay caused by the stubbornness of the Slovaks. In view of the approaching German-Polish conflict it was paramount for them to have their stand in Slovakia precisely determined and legalized. Their activity (often on the verge of nervousness) was in sharp contrast with the patient and determined attitude of the Slovaks who were unwilling to retreat. The situation was provided with a real touch of comedy when the Slovak statesmen went on their summer holidays (Tiso left for Topoľčianky, Ďurčanský for the High Tatras) while German couriers were flying between and Bratislava.

On July 19, Druffel was shown a report from Černák according to which Eisenlohr and Weizsäcker had expressed themselves in favour of token Slovak garrisons in the protected zone. On the strength of this report, Ďurčanský urged Čatloš to dispatch some troops into the zone. On July 21, Čatloš ordered one batallion to move in and, at the same time, informed the German military mission of his action. From the Germans came a vehement protest, coupled with threats, and the order was recalled. This move displeased Ďurčanský immensely. He maintained that Čatloš should have created a "fait accompli" without regard for the German military mission and their feelings. The argument went so far that Čatloš threatened to resign (22). Whether Čatloš's action was right or wrong is open to question. It may be recalled, however, that at that time, the German military authorities were resolutely against any Slovak troops in that zone, and the same view was shared by Hitler.

On July 17, the German Foreign Ministry sent to their representative in Bratislava a letter of instructions with an enclosed draft of the Treaty on the Zone of Protection (23). With this draft as a basis, new negotiations ensued. Unfortunately no records were found concerning their course. From the report of H. Bernard (new German Minister to Slovakia who replaced Druffel), we learn that they were concluded by July 31 and the Slovak representatives (again, we do not know, who they were; Tuka was probably one of them; Tiso and Ďurčanský were vacationing) accepted the draft of the treaty with small amendments (24).

Barckhausen then took this modified version of the Treaty to Berlin and, on August 7, brought it to Bratislava to Tuka, who then forwarded it to Tiso and Ďurčanský (on their vacation) with a request for their approval (25).

But the Treaty in its new form did not appeal either to Tiso or Ďurčanský. Rejecting various points of the draft, they again upset the German applecart. On August 10, a new series of discussions was initiated, this time with Ďurčanský present.

These discussions finally brought concrete results. On Saturday evening, August 12, 1939, the Treaty on the Zone of Protection was signed at Bratislava by Minister Bernard and Lt. General Barckhausen on behalf of the German Reich, and by the Slovak Premier Tiso.

The Treaty consisted of four Sections. Section I delimited its extent. Section II defined military sovereign rights of the German Wehrmacht and the sovereign rights of the Slovak State; German military sovereign rights included the right to requisition public and private premises, to use all means and lines of transportation, and to supervise armament factories working for the Reich; Germany was also given jurisdiction over her nationals; this Section also provided for Slovak garrisons within the zone. Section III laid down rules regarding the employment of the personnel and material in, and on the payment for, the construction of fortifications. Section IV contained provisions for settlement of differences arising from the application of the Treaty.

Verbatim German Text of Treaty (From Photostat)

Abschrift.

Schutzzonenvertrag

Zur Regelung der sich aus dem Schutzvertrage vom 18./23. März 1939 ergebenden Fragen ist zwischen dem Deutschen Reich und der Slowakischen Republik durch die unterzeichneten Bevollmächtigten beider Regierungen folgendes vereinbart worden.

Abschnitt I): Abgrenzung der Schutzzone.

Artikel 1: Die Ausdehnung der in Artikel 2 des deutsch-slowakischen Vertrages vom 18./23. März 1939 genannten Zone in folgendem mit "Schutzzone" bezeichnet — ergibt sich aus der diesem Vertrage als Bestandteil angehefteten Landkarte in Masstabe 1:75,000. Die Schutzzone erstreckt sich von Westen her bis zu der dieser Landkarte eingezeichneten roten Linie, und sie schliesst den von dieser Linie bedeckten Teil des slowakischen Gebietes ein. Eine Bezeichnung der ostwärtigen Schutzzonenbegrenzungslinie im Gelände durch Tafeln oder Grenzsteine erfolgt nicht. Innerhalb dieser Schutzzone wird das Deutsche Reich die ihm im Schutzvertrage vom 18./23. März 1939 von dem Slowakischen Staat übertragenen Aufgaben nach Massgabe der Bestimmungen dieses Vertrages durchführen.

Abschnitt II): Rechtsverhältnisse in der Schutzzone.

Artikel 2: Mit den militärischen Hoheitsrechten, deren Ausübung der deutschen Wehrmacht in Artikel 2 des Vertrages vom 18./23. März übertragen worden ist, hat sie das Recht erhalten, im Sinne der für die Verteidigung des Slowakischen Staates im allgemeinen bestehenden Gesetze Leistungen im gleichen Masse wie die slowakische Wehrmacht in Friedenszeiten zu fordern (ohne die Bestimmungen, die in dem slowakischen Gesetz Nr. 131/36 enthalten sind). Bei Aufwendungen, die über den Rahmen normaler Manöverleistungen auch zeitlich hinausgehen, sind die hierfür zu zahlenden Entschädigungen nach den ortsüblichen Tagespreisen zu bemessen. Die deutsche Wehrmacht haftet für Schäden in gleichem Ausmass wie die slowakische Wehrmacht in Übungszeiten.

Demzufolge hat die deutsche Wehrmacht insbesondere folgende Rechte:

a) Das Recht, jederzeit in der Schutzzone militärische Anlagen zu errichten und im Benehmen mit den slowakischen Behörden öffentliche Gebäude, Grundstücke and Anlagen für militärische Zwecke in Anspruch zu nehmen und private Gebäude und Grundstücke in Benutzung zu nehmen, ohne die Durchführung des Enteignungsverfahrens oder des Verfahrens zur vorübergehenden Entziehung der Benutzung abzuwarten, jedoch unbeschadet einer späteren Regelung der Entschädigung. Die Entschädigung wird unter Mitwirkung deutscher Beauftragter im Wege gütlicher Verhandlungen mit den Betroffenen festgesetzt.

Kommt eine gütliche Einigung nicht zustande, so bleibt es den Betroffenen vorbehalten, die Festsetzung der Entschädigung nach den slowakischen Gesetzen zu betragen. In diesem Falle bleibt im

Verhältnis zu dem Deutschen Reich die Höhe der Entschädigung einer Vereinbarung mit der Slowakischen Regierung vorbehalten.

b) Das Recht zur Benutzung der in der Schutzzone vorhandenen Transportmittel und Transportwege unter möglichster Berücksichtigung der wirtschaftlichen Interessen der Slowakischen Republik. Ausserdem kann bei Vorliegen besonderer militärischer Notwendigkeiten die Bahn Pressburg-Tyrnau-Pistyan-Trencin-Sillein-Cadca und die Strassen Pressburg-Modern-Nadas-Trencin and Pressburg-Tyrnau-Pistyan-Trencin-Sillein-Cadca, von Trencin aus bis Cadca auch auf dem ostwärtigen Waag—und Kysucaufer benutzt werden. Ferner erhält die deutsche Wehrmacht das Recht, alle Orte zwischen Pressburg (ausschliesslich) and Cadca an den oben genannten Strassen bei Vorliegen militärischer Gründe vorübergehend zur Einquartierung zu benutzen. Die Slowakische Regierung ist hiervon in Kenntnis zu setzen. Die Benutzung der Eisenbahnlinien wird durch Sondertarifabmachungen geregelt. Bei der Benutzung anderer slowakischer Verkehrsmittel sind die ortsüblichen Tarifsätze zu zahlen, wenn nicht im Wege der Vereinbarung ein anderweitiger Entgelt für die Benutzung festgesetzt wird.

c) Das Recht, Rüstungsbetriebe, die Aufträge vom Deutschen Reich erhalten, zu beaufsichtigen und auszunutzen unter Berücksichtigung der Bedürfnisse der slowakischen Wehrmacht.

Hierüber wird eine besondere Vereinbarung zwischen den zuständigen Stellen der Deutschen Regierung und der Regierung des Slowakischen Staates abgeschlossen werden.

d) Das Recht, in der Schutzzone alle erforderlichen Massnahmen des militärischen Abwehrdienstes zu treffen und von den Behörden des Slowakischen Staates die Anordnung und Durchführung aller hierfür erforderlichen Exekutivmassnahmen zu verlangen.

Die Deutsche Wehrmacht hat das Recht, gegenüber deutschen Wehrmachtangehörigen und den für Wehrmachtzwecke in der Schutzzone tätigen reichsdeutschen Beamten, Angestellten und Arbeitern deutsche militärische Exekutivorgane einzusetzen. Diese dürfen gegenüber Personen, die nicht die Staatsangehörigkeit im Deutschen Reich besitzen, nur in dringenden Fällen, sofern slowakische Sicherheitsorgane nicht erreichbar sind, Exekutivmassnahmen treffen. Festgenommene sind den zuständigen slowakischen Behörden unverzüglich, spätestens binnen 24 Stunden, zu übergeben.

e) Das Recht zur zollfreien Versorgung der deutschen Truppen und zur zollfreien Belieferung der militärischen Anlagen aus dem Reich. Hierüber wird eine Sondervereinbarung getroffen.

Die Slowakische Regierung wird in engsten Einvernehmen mit der deutschen Wehrmacht alle Massnahmen treffen, die erforderlich sind, um der deutschen Wehrmacht die Durchführung der ihr zum Schutz des Slowakischen Staates, der Schutzzone und der darin befindlichen Truppen und militärischen Anlagen übertragenen Aufgaben im Sinne des Vertrages vom 18./23. März 1939 zu ermöglichen und zu erleichtern.

Artikel 3: Alle Hoheitsrechte in der Schutzzone übt, soweit nicht im Verträge vom 18./23. März 1939 und in diesem Verträge anders vereinbart, der Slowakische Staat aus. Hinsichtlich der Hoheitsrechte des Slowakischen Staates ist insbesondere folgendes vereinbart:

a) Die Geltung aller jetzt und künftig gültigen rechtlichen Vor-

schriften der Slowakischen Republik erstreckt sich auf das Gebiet der Schutzzone, wenn dies nicht ausdrücklich ausgenommen wird, oder dem Sinne dieses Vertrages und des Vertrages vom 18./23. März 1939 widerspricht.

b) Die slowakischen Behörden in der Schutzzone üben ihren Dienst weiterhin aus und unterliegen weiterhin uneingeschränkt der Aufsicht der ihnen vorgesetzten Behörden des Slowakischen Staates.

c) Die Ausnutzung und Belegung der in der Schutzzone befindlichen militärischen Anlagen durch die slowakische Wehrmacht, das Überliegen der Schutzzone durch slowakische Militärflugzeuge sowie das Betreten der Schutzzone durch einzelne Angehörige der slowakischen Wehrmacht wird durch besondere Vereinbarung geregelt.

d) In der Schutzzone kann der Zutritt zu militärisch wichtigen Gebietsteilen, Befestigungsarbeiten und —anlagen von der deutschen Wehrmacht verhindert werden. Das Betretungsverbot wird von den zuständigen slowakischen Behörden auf Veranlassung der deutschen Wehrmachtstellen und in beiderseitigem Einvernehmen erlassen und der Bevölkerung in ortsüblichen Weise bekanntgegeben werden.

e) Die Einrichtung von Überflugzonen in der Schutzzone zur Ermöglichung des gegenseitigen zivilen Flugverkehrs wird einer besonderen Vereinbarung vorbehalten.

f) Deutsche Wehrmachtangehörige dürfen das slowakische Staatsgebiet ausserhalb der Schutzzone nur betreten

- 1) aus dienstlichem Anlass mit Bewilligung der slowakischen zuständigen Behörden (Ausnahme Art. 2c)
- 2) bei Urlaub nur gemäss den deutschen Bestimmungen über Auslandsurlaub.

Artikel 4: Deutsche Wehrmachtsangehörige, die sich auf Grund des Schutzvertrages vom 18./23. März 1939 in der Schutzzone befinden, sind den deutschen Strafgesetzen unterworfen und unterstehen wegen aller in der Schutzzone begangenen strafbaren Handlungen der deutschen Strafgerichtsbarkeit.

Sonstige deutsche Staatsangehörige, die bei den Befestigungsarbeiten beschäftigt sind, sind wegen strafbarer Handlungen, die in der Schutzzone begangen sind und sich gegen das Deutsche Reich richten, allein der deutschen Strafgerichtsbarkeit unterworfen.

Deutsche Reichsangehörige sowie reichsdeutsche Handelsgesellschaften, Erwerbs— und Wirtschaftsgenossenschaften, die auf Grund eines privaten Vertragsverhältnisses mit der Errichtung militärischer Anlagen in der Schutzzone befasst sind, können aus ihrem gegenseitigen Rechtsverhältnis sowie aus ihrem Rechtsverhältnis zum Deutschen Reich wegen eines Anspruchs aus ihren Rechtsverhältnissen, namentlich aus Arbeits—, Dienst— und Lieferungsverhältnissen oder wegen einer unerlaubten Handlung, die mit der Tätigkeit zur Errichtung der militärischen Anlagen unmittelbar in Zusammenhang steht, nur vor deutschen Gerichten verklagt werden. Klagen wegen dieser Ansprüche können bei dem Amts— oder Landgericht Brünn erhoben werden. Es bleibt der Reichsregierung vorbehalten, auch andere Gerichte zu bestimmen.

Artikel 5: In den vor die deutschen Gerichte gehörigen Strafsachen sind die Sicherheitsbehörden des Slowakischen Staates befugt, bei Gefahr im Verzuge nach den für sie geltenden Verfahrensgesetzen

die Massnahmen zu treffen, die zur Aufklärung des Sachverhalts, zur Festhaltung des Beschuldigten oder zur Sicherung von Gegenständen notwendig sind, die zur Begehung strafbarer Handlungen gebraucht oder bestimmt sind. Von dem Veranlassten haben die Sicherheitsbehörden des Slowakischen Staates unverzüglich den nächsten Gerichtsherrn (Divisionskommander) in Kenntnis zu setzen und ihm einen festgenommen Beschuldigten zuzufahren.

Deutsche Wehrmachtsangehörige sowie die für Wehrmachtzwecke in der Schutzzone tätigen deutschen Reichsangehörigen haben ständig einen gültigen Personenausweis bei sich zu führen, mit dem sie sich gegenüber slowakischen Sicherheitsorganen auf Aufforderung ausweisen können.

Artikel 6: Die Slowakischen Behörden werden Handlungen, die gegen die in diesem Vertrag festgelegten Interessen des Deutschen Reichs gerichtet sind, so verfolgen als ob sie gegen den Slowakischen Staat gerichtet wären. Die Slowakische Regierung wird dafür Sorge tragen, dass das Deutsche Reich die Möglichkeit erhält, den deutschen Interessen Geltung zu verschaffen, wenn es sich in Strafverfahren vor slowakischen Justizbehörden um Fragen handelt, die das gemeinsame Interesse des Deutschen Reichs und des Slowakischen Staates berühren.

Die Slowakische Regierung wird ferner im Einvernehmen mit der Reichsregierung Vorkehrungen treffen, dass den in Artikel 4 bezeichneten Personen in Verfahren vor slowakischen Justizbehörden in sprachlicher Hinsicht weitestgehende Erleichterungen zuteil werden.

Abschnitt III): Befestigungsarbeiten.

Artikel 7: Militärische Bauten und —Anlagen innerhalb der Schutzzone werden vom Reich auf eigene Kosten hergestellt.

Artikel 8: Die Deutsche Wehrmacht wird das für die Arbeiten und Anlagen in der Schutzzone erforderliche Material nach Möglichkeit aus dem slowakischen Staatsgebiet beziehen. Soweit Preise hierfür nicht im Wege der Ausschreibung und freien Vereinbarung festgelegt werden, sind die üblichen Tagespreisen zu zahlen.

Artikel 9: Die Deutsche Wehrmacht wird bei der Ausführung der Arbeiten und Anlagen vorzugsweise Arbeitskräfte aus der Slowakei anstellen. Eine Abweichung hiervon kommt insbesondere in Frage, wenn militärische Gründe die Einstellung bestimmter anderer Arbeitskräfte, z. B. gelernter Fach— und Spezialarbeiter erforderlich machen. Arbeitskräfte aus der Slowakei werden in slowakischer Währung entlohnt. Bei der Einstellung von Arbeitern wird nach einem allgemeinen, im Benehmen mit der Slowakischen Regierung aufgestellten Vertrage formular vorgefahren.

Artikel 10: Nach den slowakischen Gesetzen ist zu verfahren, wenn bei Arbeiten und Anlagen der deutschen Wehrmacht in der Schutzzone historisch wichtige Funde gemacht werden, oder wenn dabei Mineral— und Erzlager, oder andere Bodenschätze entdeckt werden.

Artikel 11: Die deutsche Wehrmacht wird bei den in der Schutzzone durchzuführenden Arbeiten und Anlagen mit besonderer Sorgfalt auf historische Denkmäler und auf die für den Slowakischen Staat und die slowakische Nation bedeutsamen Orts Rücksicht nehmen.

Abschnitt IV): Schlussbestimmungen.

Artikel 12: Alle Meinungsverschiedenheiten, die sich aus der Durchführung dieses Vertrages ergeben, werden, soweit sie nicht zur Zu-

ständigkeit anderer Organe gehören, einer Kommission unterbreitet, die aus 2 deutschen und 2 slowakischen Mitgliedern bestehen soll, die im Bedarfsfalle zusammentritt und das Recht hat, Sachverständige hinzuzuziehen und nach Bedarf auch ein fünftes Mitglied zu bestellen. Kommt eine Einigung über das fünfte Mitglied nicht zustande, so ist die Angelegenheit auf dem üblichen diplomatischen Wege bei den Regierungen anhängig zu machen.

Die Anrufung der Kommission hat keine aufschiebende Wirkung.

Dieser Vertrag wird in doppelter Urschrift, in deutscher und in slowakischer Sprache ausgefertigt. Er tritt am Tage nach der Unterzeichnung in Kraft.

Pressburg, den 12. August 1939.

Für das Deutsche Reich:

a. o. Gesandter und bevollmächtigter Minister des Deutschen Reichs in Pressburg
Generalleutnant

1. Documents on German Foreign Policy 1918-1945, Series D, (hereafter as D. G. F. P.) Volume VI, pp. 10-11.

2. For the Treaty and the Confidential Protocol on economic and financial cooperation see D. G. F. P. VI, pp. 42-45.

3. D. G. F. P. VI, p. 43 — The Academic Guard played an outstanding role since October 1938, but its participation on the struggle for independence was of great importance especially in the decisive days of March 10-14, 1939. It was a paramilitary organization of university students, led by Dr. J. Kirschbaum as supreme commander. After March 14, it supplied the Slovak Republic with many outstanding workers in the Slovak public life, namely in Party organization, press, diplomacy, cultural associations etc. Among the leaders of the Academic Guard who played an important part in March 1939, are now in exile Dr. Joseph Paučo, Dr. Joseph Mikula, Koloman Murgaš, Dr. G. Danihel, Dr. L. Jankovič, etc. In 1940 the Academic Guard was dissolved by the order of the Ministry of Internal Affairs because it opposed introduction of National Socialist ideology in Slovakia. Dr. Kirschbaum was first called to arms and then sent abroad. No Slovak newspaper was allowed to mention his name for two following years. See Documents on German Foreign Policy, 1939-1945.

4. The origin of this zone can be traced back to Berlin where Hitler, talking to Tiso on March 13, told him among other things that not only Hungarians and Poles were mobilizing, but "the Czechs also want to occupy the western part of Slovakia up to the Váh." Tiso in his defense hinted at this ominous suggestion which is also supported by the O. K. W. Memorandum of March 24, R 100 (see: *Nazi Conspiracy and Agression*, VIII, p. 83) according to which, if Slovakia is kept independent, the military Schutzzone is to extend up to the Váh; but if Slovakia is divided between Poles and Hungarians, the whole area up to the Nitra is to be incorporated in the Protectorate ("Sollte Slowakei aufgeteilt werden, soll die Ostwest [Neutra-linie] Grenze werden und Pressburg einbezogen werden").

5. According to the report of the British Consul in Bratislava on March 15, the German troops had reached Malacky by midday of that day and Trenčín by evening (D. Brit. F. P., 3rd Series, Vol. IV,

p. 287). On March 17, the Slovak Foreign Ministry lodged in a "note verbale" several complaints on the behaviour of the German troops in the occupied territory.

6. Dr. Jozef Tiso o sebe, Joseph Paučo, Passaic, 1952, p. 232.

7. *ibid.* pp. 233-4.

8. D. G. F. P., VI, p. 756.

9. Dr. Jozef Tiso o sebe, p. 234, footnote.

10. Tiso, Tuka and Ďurčanský were invited to Berlin, where the latter two arrived on March 21. Ribbentrop kept them waiting in complete uncertainty for three full days and then on March 23, at 12:30 P. M., in their presence signed the Schutzvertrag.

11. *The Polish White Book*, pp. 62-3.

12. The offer to the Poles was, nevertheless, still open, and Hitler would have waived the guarantee if the Poles had been more cooperative (Cf. Doc. R 100 of March 24. How long the Fuehrer considers himself bound to the Treaty concluded with Slovakia is open to doubt. It seems that he will use Slovakia as an asset to bargain between himself, Poland, and Hungary). On March 26, Ribbentrop again suggested to Lipski "that the Slovak problem might still be discussed within the framework of a general Ausgleich" (see: *Polish White Book*, p. 67.), but the Poles now rejected the offer definitely.

13. D. G. F. P., VI, pp. 114-115.

14. *ibid.* p. 146.

15. D. G. F. P., Third Series, Vol. V, p. 89.

16. D. G. F. P., VI, pp. 254-255.

17. At this conference, Tiso, Tuka, Ďurčanský, and Mach negotiated with Barchhausen, Druffel, Becker, and Hoffmann. The Slovaks advanced every argument imaginable. Ďurčanský thought that the presence of the German troops in the zone and outside it was generally interpreted as lack of trust on the part of the German Government in the Slovak Government. Tuka pointed out that the Slovak State should not be protected in the same manner as one would protect a flock of sheep, but that it should contribute to its own protection by having its own army, and this army must not be deprived of its equipment. Tiso and Ďurčanský expressed the fear that, in case of the outbreak of Polish-German hostilities, Hungary would invade Slovakia and, hence, Slovakia must be prepared for every eventuality. As for the Slovak desiderata, they were centered about these three points:

(i) Establishment of two garrisons in the zone and the free use of the Malacky artillery range.

(ii) Withdrawal of German military and other uniformed units (police, gendarmerie) from Žilina, Trenčín, and Nové Mesto nad Váhom.

(iii) Approval to keep nine tons of poisonous war gas ('Yperit').

18. D. G. F. P., VI, pp. 756-762.

19. *ibid.* p. 774.

20. *ibid.* pp. 840-841.

21. *ibid.* p. 916.

22. *ibid.* pp. 952-953.

23. *ibid.* p. 840, footnote.

24. *ibid.* p. 1025.

25. D. G. F. P., VII, p. 2.

THE STIRRING DAYS OF MARCH 1939

Dr. Joseph Paučo

I lived at the Svoradov. On March 10, 1939, at about three in the morning, my friends awakened and told me that Czech soldiers had occupied the city of Trenčín and that entire regiments of the Czech army were pouring through Malacky. The vanguards, they said, were already supposed to be in Bratislava. It was not easy to believe this report, because at that time a lot of rumors were in the wind. After a time, I stretched out on the bed and soon fell asleep again.

My alarm-clock roused me at 5:30 A. M., when I had to get up to be on time at the editorial office of the **Slovenská Pravda**. I usually took a bus that stopped in front of the Svoradov. But this morning there seemed to be no bus operating from this point. That March morning was really chilly. After some time, I decided not to wait for a bus, so I started out on foot. The streets were quiet. In front of the district administration building I came upon a guard who was stepping lively. He cast his keen eye upon me searchingly for a moment and then went about his business of stepping lively again. I did not even wait for the streetcar near the church of the Holy Trinity. As I walked by the main post-office, I noticed that it was guarded by six soldiers and four policemen. All were heavily armed.

"My friends at the Svoradov may have been right", flashed through my mind. Bratislava was full of espionage agents. Some may have been caught, while others were about to be taken in.

From that point to the office I came across no one else that might strike my attention. I arrived at the office on schedule. At 6:15 A. M. I was on the third floor of the gigantic printing enterprise of the SLOVÁK and the SLOVENSKÁ PRAVDA, the Andrej Building, on King Alexander street.

Several minutes later, the entire editorial office of the daily **Slovenská Pravda** bristled with activity. In the office

with me were Dr. Aladár Kočiš, editor-in-chief, Celo Radványi, and Joseph Petro. We had no foreboding about what was to happen. Even after I told my colleagues what I had heard at the Svoradov that morning, they thought nothing of it. We applied ourselves to our tasks. That morning I was to write the leading editorial about the discussions taking place in Prague. Minister Karol Sidor was the Slovak representative in these discussions. My article was to be based on the reports supplied by the Slovak Press Bureau. The reports brought nothing new. I was then convinced that the discussions would be meaningless. And I meant to tell our readers just that.

Well, it so happened that I wrote nothing that morning. Neither did my colleagues. Before I could strike a sentence on paper, the doors of my office flew open and a Czech major, with revolver in hand and accompanied by two bayonet-toting gendarmes, rushed at me. The major announced in a loud Czech voice: "In the name of the new Slovak Government I am stopping all work in this building and taking it over!" With that all four of us were taken to Dr. Kočiš's office. We were all stunned. We did not know who the major and his companions were. The major and the gendarmes appeared to be a bit queer. But we could say nothing. The major ordered the gendarmes to cut all telephone wires. This they did speedily. In the hallway, they came upon the janitress and our secretary, Mrs. Noskay; both were detained in a separate room of the building.

The major forbade us to look out the windows. A short time later he left us, ordering the gendarmes to keep an eye on us. After a time we asked the gendarmes what was going on, why they came to Bratislava, and who ordered them here. But they were not talking. They simply complained that they were tired and hungry.

Several minutes later the Czech major brought in the editor-in-chief of the **Slovenská Politika**, Augustine Način. The major barked again that we were not to go near the windows: "Keep at least six feet away!" When he left us again, however, we managed to get a few peeps in on the street below. It was full of people talking loudly and gesticulating wildly. There we spied two of our colleagues, Jo-

seph Nižňanský and John Hrušovský. They were looking up at our window quizzingly. Hrušovský with his cane, switching his pipe rhythmically from one end of his mouth to the other. We waved to them from the window and one of my colleagues tapped on the window. It was precisely at this moment of tapping on the window that the Cech major burst again into the room.

"Do that again," he raved menacingly, "and I begin to shoot!"

Well, we did not want to argue with him. We pulled away from the windows and waited quietly for developments. About 9:00 A. M. the Czech major paid us another visit, this time with a piece of paper in his hand. He read our names off the paper to identify us. Then, ordering Celo Radványi to remain in the room, he led the rest of us down the stairs. Armed guards in military and police uniforms were all over the place. At the main entrance to the building three soldiers manned a machine-gun aimed at the main portal. The major halted us at the main entrance, pulled out his revolver and, holding it over our heads, let us out into the street one at a time.

People gaped at us, but nobody spoke to us. We looked about for familiar faces, but in vain. We still did not know exactly what was happening. On the corner of the National Bank we separated with the understanding that we would return in an hour to see whether we could get to work again.

I then walked briskly to the Svoradov. When I arrived there things were pretty lively. One of my friends told me that about the same time the Czech army took over the Andrej Building, detectives and policemen came to Svoradov to arrest Dr. Joseph Kirschbaum. This, however, was easier said than done, because the academicians of the Svoradov were determined to have a say in the matter. They forced the unwanted guests out of the building. We were about to call a mass meeting of all the inmates of Svoradov, when one of our boys announced that a bus pulled in with a load of armed guards.

Immediately we locked all entrances to the building. Moments later army tanks thundered on the premises and

Svoradov was quickly surrounded by heavily armed soldiers and policemen. They banged on all entrances, ordering the academicians to let them in. But nobody was willing to listen to Czech orders. Windows were opened on the upper floors of Svoradov and the students soon began shouting and ridiculing the invaders. "If there is to be a circus," one academician shouted, "why not sell admission tickets?" Others got their cameras and took pictures of our "so closely related" brethren, the Czechs, who came to the Svoradov boarding home with tanks and guns to prove their friendship for the Slovaks.

The university courtyard of old Svoradov was called Alcazar. It so happened that six gendarmes got into the courtyard one way or another and were soon surrounded by quite a number of students, who were determined to keep them out of the building. Angry words were exchanged for a time. Dr. Kirschbaum, several others, and I, working on a plan of action, could hear them on the second floor. I was sent out to learn what was happening in the courtyard. Plowing through the mass of students, I faced the gendarmes and inquired where they came from, what they wanted or were looking for here, and who permitted them to violate private property rights. All looked very sheepishly at me and a bit flustered by my audacity. Finally, one of the gendarmes said: "We are looking for one Mr. **Kristbaum.**"

"Kristbaum?" — I queried — "why there is no Kristbaum and we never heard of any Kristbaum!"

I then reminded the gendarmes that they were on academic ground and that the management and students demanded that they leave the premises willingly at once. The gendarmes hesitated momentarily, then pointed their guns at us. When the students pushed closer to them, however, they put their guns down. Greatly outnumbered, they decided to leave the premises, the students accompanying them to the street. After locking the door, several academicians visited the wine-shop in the cellar of the building and reminded the lessee to have more regard for the Slovaks. It was through this place the gendarmes got into the courtyard of Svoradov.

A half-hour later the Czech army and gendarmerie pulled away from Svoradov. It was then we called our colleagues of the Lafranconi. After joining us, the entire mass of students paraded in three columns in the streets of Bratislava, loudly singing songs to the wild applause of shoppers and inhabitants. As the paraders approached the government building on the Vajanský coast or bank, they were joined by masses of the population who, too, wanted to demonstrate against the Czech occupation of Slovakia, and particularly the city of Bratislava. The Slovak academicians had fired the Slovak masses with enthusiasm and determination to stand up for right and justice, the sacred cause of freedom and independence, which had been violated by Prague. The Czechs had blundered again, and blundered terribly. The chasm between the Czechs and the Slovaks widened. After twenty years of the Masaryk and Beneš brand of democracy, the Slovaks and the Czechs were never before so far apart. The occupation of Slovakia by the Czechs was the straw that broke the camel's back. The Slovaks will never willingly join the Czechs in any venture. Czecho-Slovakia still exists, but only on paper. The Slovaks are kept in line only by force and violence. The Czechs sowed the wind and reaped a whirlwind. They have not a single true friend in Europe today.

In the meantime, Dr. Joseph Kirschbaum had gone to the residence of Premier Dr. Joseph Tiso, the home of the Jesuits, where he pledged the loyalty of all Slovak students. As soon as he returned, he told us in front of the Slovak National Theater on the Hviezdoslav Square:

"Dr. Joseph Tiso was saying his breviary. To the Slovak youth he sends this message: Carry on in a manner that you may not harm yourselves and that the world might see that we are not afraid of the bayonets and machine-guns of any occupation army."

There were parades and demonstrations in Bratislava before March 10, 1939. And there many were after that. But the demonstration of the Slovak students on March 10, 1939, was undoubtedly the most spontaneous and greatest of all of them. The demonstrations were organized by the Club of Hlinka Academicians which was headed by Dr. Jo-

seph Kirschbaum. The leaders of the academicians were everywhere when Bratislava needed help. They were in government buildings, editorial offices, and did jobs that were dangerous. Several were scared off by events that followed, while hundreds were jailed. Of those who managed to escape from their homeland after it was occupied by the Czech and the Red Armies in 1945, I might mention at least Dr. Joseph Mikula and Dr. Gabriel Danihel in addition to Dr. Joseph Kirschbaum. They rendered valuable services at that time, services which served Slovak politicians in good stead a few hours after the events of March 10th had been initiated.

Bratislava, the capital city of Slovakia, was on its feet from the 10th to the 14th of March, 1939. Several tragic events occurred. The Czech army and gendarmery took recourse to arms. The Hlinka Guards of the area repulsed the occupation of the Trade Building. A volley of shots rang out. Anthony Kopal, 27-year old laborer of Veľké Uhorce, was hit fatally and died a short time later in the Bratislava State Hospital. The first victim of the Czech March 10th putsch.

That evening, 58-year old Mary Psota was shot dead as she was closing her tobacco shop which was located opposite the District Court Building. Czech soldiers, firing from the building, were responsible for her death.

The Czechs had occupied the broadcasting station in Bratislava. The Slovak Hlinka Guards fought for it all day on March 10 and did get possession of it at 10:30 that night. It was then that Premier Karol Sidor spoke over the air. Up to that time the whole Slovakia was in confusion. Cities and towns were taken by the Czechs after General Homola announced over the air and with placards that he was taking over all political, military, judicial powers in Slovakia in the name of the Prague Government. Slovak army officers and police were disarmed and placed under guard; about 500 civic leaders were imprisoned and later taken to a jail in Moravia where they were held three days. Minister Matthew Černák was among them.

In the meantime, reports were pouring in from all parts of Slovakia, particularly from the cities and towns

which told of the brutalities committed by the Czech occupation forces. The situation was very grave. If the Slovaks would have had access to weapons, there undoubtedly would have been very much blood shed on March 10th in the fight against the Czech occupants. There were indications of this especially in Trenčín, Nitra, Spišská Nová Ves, and Banská Štiavnica. The atrocities committed by the "brotherly" Czechs on March 10th shall never be forgotten by the Slovaks.

What happened in those days was governed by the international situation. Adolph Hitler had decided to liquidate Czecho-Slovakia. His decision and its consequences are already recorded by history. But during those three hectic March days, the Slovaks were convinced that, if an unexpected turn in events did not take place — which even the majority of the foremost Slovak politicians could not foresee — the Czechs would have continued to occupy Slovakia with their army. Little wonder then that the Slovaks in these days were bitter and proclaimed: Never again with the Czechs!

March 14, 1939, arrived. A glorious day for the Slovaks, notwithstanding anything that anti-Slovak elements say about it to the contrary! The Slovaks knew only the simple facts of that historical event. First, Karol Sidor was called to Berlin. He did not go. Then the Germans called Tiso, not once but twice. But he, too, was reluctant to accept the invitation. When a third invitation was delivered to him by German representatives in person, Dr. Tiso deliberated with the presidium of the Slovak People's Party. The latter decided that Dr. Tiso should accept the invitation, so Tiso flew to Berlin.

On Tuesday morning, March 14, before we could form ranks in Svoradov, somebody brought in a report that Hitler had requested Dr. Tiso to proclaim the independence of Slovakia directly from Berlin. But Tiso did not broadcast anything from Berlin. We were lined up to march to the Parliament Building to learn what the Slovak legislators had in mind. Furthermore, we wanted to be on hand in case the Czechs would again attempt to take over that building.

It was a cold March morning. Rolling clouds overhead,

snow clouds. The lively march of the academicians caught the attention of the inhabitants and warmed their hearts. They had little sleep the past three days, but there they were again on the streets waving banners and flags, shouting joyous acclaim to the Slovak Government and the academicians and demanding that the "Czechs get out of Slovakia".

Our hearts were warm and we broke into song. Finally, we arrived at our destination and waited patiently. Then, as we broke into song again, we were joined by the academicians of Lafranconi and thousands of people. Soon the square was a mass of people. The banner of the Slovak Catholic Student Federation fluttered in the breeze over our heads. What we had gone through the past three days was like a motion picture. Then we had to make way for oncoming autos. In the first we saw temporary Premier Karol Sidor; in the second, Dr. Joseph Tiso. Dr. Joseph Kirschbaum greeted Karol Sidor and I greeted Dr. Joseph Tiso in the name of the student body. Without delay the Slovak parliament was in session. We still did not know definitely what was about to happen. Our representative, Dr. Kirschbaum, also went into the Parliament Building. After a time, he came out briefly to tell us that a very serious matter was being discussed. After he left us, he came out again shortly thereafter to inform us that the Parliament of autonomous Slovakia had decided to proclaim the independence of Slovakia. This happened at precisely seven minutes and twelve seconds after twelve o'clock noon.

Bratislava streets burst out with joyous acclaim. Alexander Mach and Dr. Kirschbaum rushed to an auto and sped to the broadcasting station. First Mach made a brief broadcast and then Dr. Kirschbaum spoke in the name of Slovak youth. They told of the historical event that had taken place. As soon as the cities and towns heard the broadcast, bells began to peel in all the churches of Slovakia. The Fourth of July had arrived for the Slovaks on March 14, 1939. All offices and schools were quickly closed for the rest of the day. The Slovaks prayed and sang with joy as never before.

Bratislava streets rang out with song for quite a time. We embraced each other and danced. Then we marched, or rather should I say, danced all the way to Svoradov. The fraternity was another joyous scene. I still remember vividly how we embraced Colman Murgaš in the refectory, his eyes streaming with tears. I was so excited that I could hardly eat. Like so many others, I had lost my appetite for food. Like them, I was satiated with joy. The Slovaks proclaimed their country an independent Republic on March 14, 1939.

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SLOVAK NATIONALISM:

THE ROLE OF EMIGRANTS IN SLOVAK NATIONALISM

B. S. BUC, Ph.D.

1. The Nation of Emigrants

Slovak nationalism cannot be considered as the outgrowth of the Central European soil and the pure product of political forces of that sector. It was steadily developing under many outside influences which penetrated that sector either in the form of new ideas or in the form of outside political and economic interests. Moreover, in the period of the greatest oppression, the real shaping of the Slovak national will for survival was occurring outside Slovakia, among emigrants.

About one third of the present Slovak population lives outside Slovakia as emigrants in various sectors of the world. That makes Slovaks truly a nation of emigrants. They were forced to emigrate either for economic or political reasons.

Slovakia is a mountainous country with forests covering 40% of the land. Moreover, prior to 1918, a substantial part of Slovak land was owned by the Magyar or foreign aristocracy, so that Slovaks had little opportunity to make living from agriculture. Temporary or permanent emigration became, therefore the only solution to the economic problem for many children of Slovak farmers. When they

reached free soil, especially the United States of America, they proved themselves to be the greatest promoters of Slovak nationalism, not only among themselves but also in their native country. They conveyed ideas of democracy and freedom to their homeland and influenced the outside world to help their compatriots at home in their struggle for survival in Hungary.

In 1918, when Slovakia became a part of Czecho-Slovakia, emigration did not cease. It is true, however, that in the first years of the new Republic, Czecho-Slovakia inaugurated a drastic agrarian reform, wherein almost all of the soil belonging to the aristocracy was apportioned among new owners. Nevertheless, these reforms failed to ameliorate the original situation, because they aimed at rewarding political careerists rather than at bettering the social position of the inhabitants. According to a French observer: "many of the good lands, instead of being apportioned among the peasants, were used to constitute a new agrarian bourgeoisie, under the name of 'surplus estates' " (1).

These estates served to favor the political aims of the Czech agrarian party, who used them either to establish Czechs in Southern Slovakia, or to reward Slovaks who were inclined to apply centralist politics to the government of Slovakia. This gave rise to a privileged class, the "surplussers" who resembled very much the ancient landlords of the Hungarian feudal system. While the latter received their lands as a recompense for their services in the army, the former received them for their services in politics (2).

Under Czecho-Slovakia, however, Slovak industry fared even worse. The Czechs were chiefly concerned with industrial expansion within their own domains and, therefore, not only contributed nothing to the expansion of former Slovak industries, but adversely put down many existing undertakings in an evident attempt to keep Slovakia agrarian. According to William Diamond: **"During the period from 1934 to 1937, 91.5% of all factory manufacturing in the state occurred in Czech lands"** (3).

According to information presented in May of 1949 to the XIX Congress of the Communist Party in Prague by William Široký, who at that time was Chairman of the Communist Party in Slovakia, 92,000 workers were engaged in Slovak industries and trades in 1913. This figure

comprised about 17% of the total population. After the unification of Czechs and Slovaks, the progressive tendency in industry since the First World War was completely halted. In 1927, no more than 80,000 workers were engaged in industry in Slovakia. Within ten more years, during which industry showed great and rapid progress in Czech lands the increase in the number of workers in Slovakia was negligible, with the result that in 1937 they numbered 104,915 (4).

Because of this unhealthy economic situation in Slovakia, almost one-third of the entire Slovak population sought relief through emigration. The majority emigrated to the United States between 1873 and 1918. When the United States placed a limit on immigration in 1918, however, the Slovaks emigrated to Canada, South America, Australia, France, and Belgium. This emigration actually became the only liberty-holding portion of Slovaks and, therefore, chiefly before 1918, an almost exclusive representative of Slovak national endeavors.

2. Slovak Immigrants in the United States

The leading position in these endeavors was held by Slovak immigrants in the United States. In 1910 Slovaks in this country numbered 281,707; by 1920 the number had increased to 619,866. According to a private appraisal, however, the number should be at least 200,000 more, for about that number of people of Slovak descent may have registered as Austro-Hungarians. Slovaks are represented mostly in the state of Pennsylvania, where in 1920 they numbered 296,219. The remainder are scattered mainly through nine states: Ohio, New York, New Jersey, Illinois, Connecticut, Michigan, Wisconsin, and Indiana (5).

On United States soil, the Slovaks developed a very living, organized activity chiefly in the field of fraternalism. At the present time there exist eleven such Slovak fraternal organizations with a membership of more than 400,000 and with assets totaling 88½ million dollars (6). They established besides an extensive Slovak press, which had a great significance for Slovak nationalism in that it was really the only national press during the time of fierce

magyarization at the close of the nineteenth and beginning of the twentieth century.

3. Shaping of the National Will

Every coercive measure of the Hungarian government encountered great opposition in the Slovak press of the United States. On the soil of this country Slovak and Magyars waged an obstinate battle, with the result that the Western World became acquainted with the name "Slovak" and with the nationality problem of Austria-Hungary.

The first public and organized opposition of Slovaks towards Magyars in the United States took place at Cleveland in 1902. The Magyar immigrants of that city were attempting to place in the Public Square a monument dedicated to their revolutionary Magyar leader of 1848, Louis Kossuth. They were hindered by the Slovaks, who publicly revealed Kossuth's totalitarian methods towards Slovaks and other nationalities of Hungary.

When, in 1906, the Hungarian government brought Rev. Andrew Hlinka and several other Slovak patriots to trial, this action led the immigrants of all convictions in the United States to join forces and to found a united organization called Slovak League of America at the first Slovak Congress assembled in Cleveland, Ohio, on May 26, 1907. According to its first tenets, the principal aim of the Slovak League was to exert every effort "that Slovak nation would rank among the other nations as an equal among equals" (7). Its first step was the creation of a national fund to carry on an active struggle for the liberation of Slovaks.

Among the League's first successes in this country must be numbered the fact that, during the census of 1910, the following question was asked in the questionnaire: what is your mother tongue? Through this change, passed by the Senate at the proposal of Senator Oliver, the Slovaks as well as the other nationalities of former Hungary could not be separated from the universal concept of "Hungarian", under which they should have been originally classed for belonging to the Hungarian Kingdom (8).

At the outbreak of the First World War, the Slovak

League published a memorandum, which was sent to all members of Congress and to other distinguished political figures in the United States as well as others in the West. This memorandum, in the spirit of American democratic ideals, stressed the desire that:

The Slovaks in Hungary should obtain their natural privileges of life, freedom, and pursuit of happiness, which they have been deprived of by the dynasty; that the Slovaks be given opportunity to develop their national spirit, their abilities, and the natural resources of their native land; that the Slovaks be guaranteed the realization of their national ideals and efforts, which have been mercilessly trodden by the tyrannical Hungarian Government (9).

The memorandum was signed by: all officials of the Slovak League; the representatives of twenty-three Slovak newspapers; the representatives of twenty organizations; fifty-two Slovak Catholic priests and forty Slovak Protestant ministers. It was published in five languages besides English.

The main significance of this memorandum, however, lies in the fact that the Slovaks in this country immediately after the outbreak of the war assumed the leadership of the entire Slovak nation. They did it not only because they were free to express the will of the whole nation, but also because the number of their organized ranks exceeded the number of organized Slovaks ever known in their own fatherland. The number of publications represented on the memorandum also exceeded the number edited by the Slovaks in their native country.

4. In Search of a New Ally

When the Slovak immigrants in the United States had sent out the afore-mentioned memorandum, they still had not made up their minds clearly concerning the future of their native land. Since they did not intend to form an independent state out of Slovakia, they had to concern themselves with the problem of deciding within what kind of future framework the Slovaks should enjoy those political rights which they sought. All were unanimously agreed that Slovakia must be definitely torn away from Hungary.

Several proposed combinations developed. Some favored the Czechs as the ally to be sought. Others favored the Russians. Others favored the Poles, who already had promises from the Allies for the

restoration of Poland. Gradually the Czechs came to be selected as the most logical ally to be sought (10).

The thinking most prevalent in the minds of the Slovak immigrants in the United States is clearly stated in a letter of the Rev. Matthew Jankola, one of the foremost active participants in these matters. In a letter written in Bridgeport, Conn., on December 15, 1915, he wrote:

We shall mean nothing in a monarchy, and absolutely nothing in a great Russia. But we would stand on a footing of equality with the Czechs, a la Austria and Hungary; or as formerly Norway and Sweden; with our own self-government, our own parliament, our own Slovak State language. Can we ever obtain this under Russia, or in Austria-Hungary? — In regards to the Czechs, their supremacy can only be temporary; until the time that we rear one generation in our own spirit. I do not consider Czech liberalism so dangerous. Our nature and character are different. The Slovak — I mean common people — shall retain their character (11).

In the meantime, in Europe, profesor Thomas G. Masaryk began a revolutionary movement for the liberation of Czechs and Slovaks in Austria-Hungary. Under his influence the Czech immigrants in the United States also formed a joint organization under the name "Czech National Alliance", which organization adopted the same program regarding Czechs as the Slovak League had done regarding Slovaks. T. G. Masaryk soon became the recognized head of the movement for the liberation of the Czechs and the alliance of the Slovaks with the Czechs.

5. The Cleveland Agreement

Professor T. G. Masaryk from Paris asked the Czech National Alliance in America to gain the cooperation of the Slovak League for common Czech and Slovak liberation efforts. Following that request, the secretary of the Czech National Alliance invited the Slovak League of America to a meeting. Along with this invitation the secretary sent a proposed draft of an agreement which was accepted in Cleveland on October 25, 1915, and since that time has been known as the **Cleveland Agreement**. It contained the following points:

1. Independence of Czech lands and Slovakia.

2. A union of the Czech and Slovak nations in a federative alliance of states with a complete national autonomy for Slovakia, with its own state government, its own cultural freedom and, therefore,

its own complete use of the Slovak language, its own financial and political government, and with Slovak as the State language.

3. Voting power: general, secret, and direct.

4. Form of government: A personal union with a democratic State, the same as in England.

5. These points form the basis of the mutual agreement and can be enlarged or expanded only with the approval of both parties. The Czech National Alliance reserves the right of making possible changes, and the Slovak League has the same right (12).

This Cleveland Agreement opened up suppositions for the close cooperation of Czechs and Slovaks and eventually led to the formation of the common political state of the Czecho-Slovak Republic. In spite of this agreement, however, the Czech side began to show indications of naming all common liberation undertakings as **Czech**. This instilled in the Slovaks the fear that the Czechs did not wish to accept the Slovaks as equal partners. Many discussions, therefore, ensued with the result that, during these sessions, one of the Slovak representatives clearly pin-pointed the Slovak position with the words: **"Yes, we want to tear away from the Magyars and be with the Czechs, but not under the Czechs"** (13).

The above-mentioned Czech tactic prompted many of the Slovaks to lose faith in the Cleveland Agreement and in the Czechs, and prompted them to look for new allies. Such a decision did not take a firm foothold because, in the meantime, important events had occurred in the diplomatic world. President Wilson was re-elected on November 8, 1916. Soon after his re-election (December 21, 1916) he issued a proclamation to the warring nations in which he asked for a statement of their war aims. The Allies answered on January 12, 1917, and, in the conditions which they enumerated, the following sentence was found: **"Liberation of the Italians, Slavs, Rumanians, Czecho-Slovaks from foreign government control"** (14).

T. G. Masaryk explains that the term "Czecho-Slovaks" was written into the Allies' reply after the reply had been completed. "The word Czecho-Slovaks", he writes, "contained in the proclamation, has its own interesting internal history. There were three suggestions: **liberation of the Czechs — the Czech nation — the Czecho-Slovaks**. The latter suggestion was accepted at a conference of Dr. Ed-

ward Beneš (Czech), Milan R. Štefánik (Slovak), and Stephen Osuský (American Slovak)" (15). Dr. Beneš, on the other hand, writes that he conferred with Mr. Osuský and Mr. Sychravý about the matter, since M. R. Štefánik was then in Russia; and he further states that "Osuský expressed fear that the Allies' reply to President Wilson might name Czechs only, not the Slovaks". — For that reason he insisted on the term "Czecho-Slovaks" (16).

6. The Pittsburgh Pact

The Allies' reply concerning the liberation of Czecho-Slovakia definitely determined that, after a victoriously ended war, the Slovaks would be thrust into a common political state with the Czechs, which opened up among the Slovaks all sorts of speculations regarding the future of their fatherland. The official pronouncement concerning the Czecho-Slovaks indicated the existence of two separate groups with the formation of a new state. The Slovaks, therefore, had less reasons to fear that the Czechs would deprive them of their national individuality.

T. G. Masaryk, who came to the United States near the end of the war, in April of 1918, helped in no way to dispel this fear. He was looked upon as the person who could settle most of the small differences, suspicions, and discrepancies that had arisen. Delivering his first speech May 5, 1918, in Chicago, Ill., he repeatedly mentioned the **Czech** lands, the **Czech** army, the **Czech** fight, the **Czech** future, etc., but not once did he mention **Slovakia** and completely ignored **Slovak** participation in the struggle.

His speech was a big disappointment to the Slovaks and gave rise to new doubts about Czech sincerity. On May 30, 1918, T. G. Masaryk came to Pittsburgh. Once again he spoke, but this time he changed face and stated proudly that he was of Slovak descent. He also said that Slovaks and Czechs were united and that the differences which arose were artificially produced through German and Magyar influences. He declared that there would be a free Bohemia and a free Slovakia, that political control, education, courts of justice, and all else in Slovakia would be Slovak, and in Bohemia, Czech. Each nation, therefore, would be master in its own home.

The huge gathering received Masaryk's address with tremendous acclaim. All Slovaks were overjoyed, for these were just the things they had been wishing for (17).

That same evening Masaryk held a conference with the representatives of the Slovaks in the Moose Temple and on the following day, May 31st, drafted a new agreement establishing the relations between Czechs and Slovaks in the new state. Besides him this agreement was signed by eleven Czechs and seventeen Slovak representatives and contained the following:

The Czecho-Slovak Pact agreed upon in Pittsburgh, Pa., on May 30th, 1918. Representatives of the Slovak and Czech organizations in the United States — the Slovak League, the Czech National Alliance, and the Alliance of Czech Catholics — discussed the Czecho-Slovak question in the presence of the chairman of the Czecho-Slovak National Council, Prof. Masaryk, and the program declaration made up to this time, and resolved the following:

We approve the political program which endeavors to unite the Czechs and Slovaks in an independent state of the Czech lands and Slovakia.

Slovakia shall have its own administration, its own parliament, and its own courts.

The Slovak language shall be the official language in the schools, in offices, and in public life in general.

The Czecho-Slovak State shall be a republic, its constitution shall be democratic.

The organization of the cooperation of the Czechs and Slovaks in the USA shall be intensified and arranged with mutual understanding as necessity and the changing conditions shall require.

The detailed regulations for the establishment of the Czecho-Slovak State are being left to the liberated Czechs and Slovaks and their legal representatives. (18).

Saturated with the ideals of American democracy, Slovak immigrants in this country endeavored in the Pittsburgh Pact to assure for their fatherland such rights as they enjoyed here. They labored thus in full knowledge of their leading position, which they held as regards their enslaved fatherland. They were the only free and organized portion of the Slovak nation, and Slovaks at home, as far as they were able under existing circumstances, not only accepted them as the framers of their political future, but also placed in them their only hope of liberation from Magyar enslavement.

The greatest weakness of the Pittsburgh Pact as regards any decisions in Slovakia showed itself to be the final

point which stated that "the detailed arrangements and regulations in the Czecho-Slovak State are being left to the liberated Czechs and Slovaks and their legal representatives".

Without having any knowledge of the action of the Slovak League in the United States, the newly created Slovak Council in Slovakia — formed as a result of the war's end — met in Turčiansky Svätý Martin on October 30, 1918, two days after the Prague Proclamation of an independent Czecho-Slovak Republic. Here a declaration was brought out in which, although the Council requested the right of self-expression for Slovaks according to the demands of President Wilson on October 18, 1918, it nevertheless announced that "the Slovak nation is both a linguistic and culturo-historical component of the joint Czecho-Slovak nation" (19). Amidst the enthusiastic atmosphere, the small group of those who stood for complete union of Czechs and Slovaks were free to draw up the declaration in such a way that it would best fit their objectives. By emphasizing that "the Slovak nation is both a linguistic and a culturo-historical component of the joint Czecho-Slovak nation" the Martin Declaration — as it came to be known since — was considered to be the denial of the distinct Slovak individuality about which the Slovak representatives were most concerned when they entered into the Cleveland and Pittsburgh agreements with the Czechs.

The freedom exercised by the promoters of the union with the Czechs in drawing up the declaration in Turčiansky Sv. Martin is also apparent from the fact that one of them, Dr. Milan Hodža, who was entrusted with the task of publishing the document, left out several points arbitrarily. One of the omitted points was the request that the Slovaks be represented at the peace conference. This Martin Declaration — no matter how doubtful its worth — was, however, considered a free expression of the will of the liberated Slovaks by Prague, and, consequently, the Pittsburgh Pact was declared void.

T. G. Masaryk went so far that, in his reply of October 12, 1929, to the Rev. Andrew Hlinka, leader of the Slovak People's Party, he wrote of this Pact:

But the main thing is that the document that verbal agreement is forged, is a falsum, because at the time when the American Slovaks wanted that verbal agreement, the League did not exist legally, it was not recognized by the State until 1919. For that reason a serious politician, a statesman, cannot and must not operate with a paper. Falsification cannot become an act of State... (20).

From its very beginning, therefore, Czecho-Slovakia was organized as a centralistic **Czech** state, in which Slovakia was more in the position of a colony than as an equal partner. The Czechs, on the other hand, tactfully utilized the already-mentioned conflicts within the Slovak camp. For the majority of inhabitants, the incorporation of Slovakia into the Czecho-Slovak Republic was such an unexpected surprise that a certain development was necessary before the complete range of the new political situation actually came forth. To make matter worse, a split occurred even among the active members of the Slovak League. One part, under the impact of alarming news from their liberated native country, was convinced that the carrying out of the Pittsburgh Pact would be a misfortune for Slovakia and, therefore, did not insist, as was expected, upon its incorporation into the constitution of the new state. The other part, even though comprising an insignificant number of opportunists, was won over to the idea of centralism by being rewarded with well-paid offices within the administration of the new state. The Pittsburgh Pact was, therefore, excluded with comparative ease from all discussions during the formation of Slovak and Czech relations in the new Czecho-Slovakia.

Even though this pact failed to fulfill its primary function, it gave to Slovak autonomists an effective weapon to accuse the Czechs of insincerity and faithlessness. With the creation of Czecho-Slovakia, there was an obvious tendency, according to the Czech writer Václav Peroutka, to exclude "Catholics from public offices and the enjoyment of honor" (21). And it was under such circumstances that in May, 1919, a year after its signing, the Pittsburgh Pact came into the hands of the Rev. Andrew Hlinka, the leader of the Slovak Catholics. He did not hesitate to make out of it the Magna Charta of the movement for autonomy. It gave his autonomist movement a clear program and offered effect-

ive propaganda material to depict Czech faithlessness. It is quite obvious that the denial of the Pittsburgh Pact occasioned much greater harm to the survival of Czecho-Slovakia than it would have done at the beginning when the newly liberated, still politically immature Slovakia was consolidating its forces. Even though the Slovak immigrant failed to achieve his original goal through this pact, he nevertheless created in his native country an irresistible desire to attain it. The Pittsburgh Pact sounded the tocsin to battle, the outcome of which was to be a clearer and more accurate definition of national rights.

The present situation shows that the Slovak immigrant in the United States has almost lost his distinguishing marks in the new American society. Whereas, in the history of Slovakia, he still remains one of the most distinguished actors in defining its national character and in determining its political ambitions. If the "American democratic crusading spirit" sank deep into the life of a nation by means of an immigrant, it perhaps did so mostly in the case of Slovakia in connection with the Pittsburgh Pact.

7. The Present Political Emigrants

The afore-mentioned Slovak emigrants, who left Slovakia mostly from social motives, were joined in recent years by a small though in its actions a very alert group of people, who left Slovakia and came to the West from clearly political motives. They departed in two waves. The first represented the functionaries of the independent Slovak Republic who, after the downfall of Slovakia in 1945, sought asylum in the West to escape the vengeance of the so-called "people's courts". They were joined three years later (1948) by a further wave of political exiles who fled when Communists took complete control of the Czecho-Slovak government. The latter group comprised functionaries of non-Communist parties of the Czecho-Slovakia, in other words, people who were not in accord with the Communist "People's Democracy".

In both instances we actually behold the first mass, political, Slovak emigration which, from the viewpoint of Slovak nationalism, signifies that political activity is its

very pulsating vocation. Its aim is the return homeward of all exiles and, therefore, a change in the political situation which forced the Slovaks to leave their native land. Slovak emigrants are bearing influence in two ways: they are endeavoring to gain the favor of Western Democracies in their efforts to overthrow the Communist dictatorship; and they are displaying the ability to organize underground movements to bring about a change, perhaps through internal revolution.

One could probably surmise that the group who left Slovakia immediately after Second War will seek the revival of an independent Slovakia as a continuation of the Slovak Republic, whereas the other group will simply join those forces that work for the restoration of a democratic Czecho-Slovakia. But the time-interval between these two waves of emigrants is not an accurate divisor of their political affiliation. It is true, however, that the Slovaks are divided into two camps: the Slovak and Czecho-Slovak camp. The former aims for an independent Slovakia without the Czecho-Slovak framework; the latter aims for a Slovakia within the Czecho-Slovak framework. Numerically, however, those who desire an independent Slovakia constitute the overwhelming majority. They include not only former functionaries of the Slovak Republic but also at least 90% of all those who left Czecho-Slovakia after the Communist coup of 1948. As an organized force, both camps act through three organs: the National Council of Free **Czecho-slovakia**; the Slovak National Council Abroad; and the Slovak Liberation Committee.

The aim of the National Council of Free Czechoslovakia is the destruction of present Communist dictatorship and the restoration of democracy in the spirit of T. G. Masaryk and Dr. E. Beneš (anti-Catholic). Czecho-Slovakia involves, however, the solution of two problems: 1. the problem of some three and one-half million displaced Sudeten Germans whose desire to return to their homeland is being actively supported by the newly-risen West Germany; 2. what position is Slovakia to have in the new democratic Czecho-Slovakia.

It is a known fact that the greater majority of Slovaks

at home are more than ever before opposed to any idea or form of a Czecho-Slovakia. Informed people know that Slovakia can be maintained within the framework of Czecho-Slovakia only by force and violence.

The other two organs, the Slovak National Council Abroad and the Slovak Liberation Committee, are striving for the creation of an independent Slovakia. Their difference lies not so much in their aim as in their methods. Even though the Slovak National Council Abroad avers that the Slovak Republic which existed during the Second World War was formed in accord with the principles of international law as the free manifestation of the people, it nevertheless does not insist upon her legal continuity. It is a great promoter of the federative solution of Central Europe in which it seeks for Slovakia the same position that other national groups will have. It is the political organ of the greater number of the Slovak exiles of 1945 and 1948. Furthermore, its program has been endorsed by the two largest organizations of older emigrants, namely, the Slovak League of America and the Canadian Slovak League.

The Slovak Liberation Committee is the political organ of a radical portion of the Slovak exiles. It strives for an independent Slovakia on the basis of a legal continuity of the former Slovak Republic. It is distinguished by a special activity which manifests itself principally in many memorandums sent to the United Nations Organization as well as to the other responsible political circles in the West. Because of this across-the-border activity as well as other efforts to organize underground movements in Slovakia, which is dominated by Czech Communists, the Slovak Liberation Committee is looked upon in Czecho-Slovakia as the principal enemy of the government of the People's Democracy. It seems to be quite popular with the dissatisfied and change-hungry inhabitants at home.

It is hard to foretell whether any of these organs will succeed in achieving any of their objectives at the present time. It is highly improbable that any of them will succeed in organizing an active underground movement, which would be in a position to bring about a change in the present po-

litical situation with the aid of an internal revolution. The hope for a change depends only upon a new war, and then upon the measure in which respective efforts will be in accord with the interests of victorious powers.

1. M. Darras: "Onze ans de vie indépendante en Slovaque", *Le Monde slave*, (mai-juin, 1930), 177.

2. Joseph A. Mikuš: *La Slovaque dans le Drame de l'Europe*, Paris, 1955, p. 57.

3. William Diamond: *Czechoslovakia Between East and West*, London, 1947, p. 172.

4. *Pravda*, Bratislava, May 29, 1949.

5. Karol Sidor: *Slováci v zahraničnom odboji*, Bratislava, 1929, p. 16.

6. *Bulletin of the Slovak National Council Abroad*, Middletown, Pa., August, 1956, p. 3.

7. Sidor: *loc. cit.*, p. 32.

8. Karol Sidor: *Slováci v zahraničnom odboji*, Bratislava, 1929, p. 33.

9. *The Slovaks and the Pittsburgh Pact*, Chicago, Tylka Bros. Press, Inc., 1934, p. 10.

10. *Ibid.*, p. 13.

11. *Ibid.*, p. 13.

12. *Ibid.*, p. 16.

13. *Ibid.*, p. 18.

14. *Ibid.*, p. 19.

15. T. G. Masaryk: *La resurection d' un Etat (Souvenir et reflection 1914-1918)*, Paris, 1930, p. 256.

16. Dr. Eduard Beneš: *My War Memoirs*, London, 1928, p. 157.

17. *The Slovaks and The Pittsburgh Pact*, *loc. cit.*, p. 24.

18. *Ibid.*, p. 27.

19. Dr. František Bokes: *Dejiny Slovenska a Slovákov*, Bratislava, 1946, p. 363.

20. To this an authority on American law on April 23, 1930, when asked about the legality of the Slovak League had to say:

"I understand the organization in question having a Constitution, by-laws, officers, etc., though not chartered by the State. For the purpose of taking the action which was taken, such an organization would have all the necessary power as fully as if had been chartered. The agreement entered into by the unchartered organization referred to would be just as effective as if entered into with a chartered organization and just as valid if closed on Memorial Day as on any other day". (*The Slovaks and The Pittsburgh Pact*, *loc. cit.*, p. 36-39).

21. Václav Peroutka: *Budování státu*, Prague, 1933-1935, I, p. 352.

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RECOMMENDED BOOKS:

THE SLOVAKS — their history and traditions — by Peter P. Yurchak; 312 pages, hard cover, bound in cloth — \$3.00; paper cover — \$2.00.

SKETCHES FROM SLOVAK HISTORY — by Joseph Škultéty; 229 pages, well documented; hard cover, bound in cloth — \$2.00; paper cover — \$1.00.

Joseph M. Kirschbaum, LL. D., PH. D.

THE CONSTITUTION OF THE SLOVAK REPUBLIC

I

Introductory Note

"No Constitution can be considered perfect or permanent", says R. G. Gettell in his renowned work **Political Science**. "The final requisite for a good constitution is that the constitution shall correspond to actual conditions within the State" (1).

Among the critics and adversaries of the Slovak Republic there were few, if any, who read the Slovak Constitution, the fundamental principles that determined the basic nature of the Slovak State and Government, the distribution of its sovereign powers among the various organs of government and the relation of the government to the people over whom its authority was exercised. We, therefore, hardly find someone who based his criticism of the Slovak Republic on the constitutional or legal basis or on the constitutional form of the Slovak state. The Select Committee of the House of Representatives of the U. S., in its special report No. 8, prepared in co-operation with Georgetown University and a group of experts from various parts of the United States, expressed its opinion in the following terms:

"The Constitution contained principles, which in some aspects combined features of the liberal state, the Christian democracy, and the authoritarian state. In the beginning all power of the Slovak Republic was vested in the Parliament but later on, in 1941, after Slovakia had entered the war against the Soviet Union, the executive was to prevail over the legislature.

"The Slovak state was far from being a perfect democracy in the traditional sense. It reflected a compromise between the past and the present, between an old tradition and a temporarily determined political dynamism in Central Europe. But, in general, it was an expression of the self-preservation instinct of the Slovak nation" (2).

This statement, though basically true and expressing to a great extent the view of the writer, should be complemented by a political as well as juridical analysis of the text of the Constitution and of the circumstances in which

it was drafted and adopted by the Slovak Diet. The first question seems to be: from whence came the features of the liberal, the Christian democratic, and the authoritarian State?

As for the democratic traditions in Slovakia, they antedated not only the attainment of political independence in 1939, but also the inclusion of Slovakia into the Czechoslovak Republic in 1918. The Slovak nobility was assimilated by the Magyars to a great extent before the Slovak national revival took place at the end of the 18th and in the first half of the 19th century, so that no aristocratic traditions could hinder the acceptance and development of modern democratic ideas. In fact, Slovakia became the refuge of many lofty intellectual efforts during the 17th century and later it "revealed itself as a meeting-place of practically all contemporary currents of cultural and political ideas" (3).

It is true that the policy of Budapest, after the Ausgleich of 1867, aimed at suppressing Slovak nationalism and Slovak political activities. This resulted in the reduction of the Slovak representation in Budapest's Parliament to only two representatives at the end of World War I. However, this situation cannot reasonably be used as a yardstick for Slovak disposition for political maturity. This became evident shortly after the creation of the Czechoslovak Republic, when not only genuine Slovak political parties sprang up, but also, more or less, all the Czech parties extended their activities into Slovakia. Practically all political tendencies from socialism to agrarian democracy and communism found an echo in the Slovak population.

The genuine and most representative Slovak parties were: 1) the Slovak People's Party, later called Hlinka's Slovak People's Party and the Party of National Unity (since October 1938), representing the bulk of the nationally conscious Catholic population, although some non-Catholics were among its members (the party never officially labeled its program as Catholic); and, 2) the Slovak National Party which organized those Slovak Protestants who remained faithful to the traditions of Slovak national-

ism and to the idea of distinct Slovak culture and self-government.

All political parties in Slovakia developed during the period of 1918-1938 along the lines of the Constitution of Czecho-Slovakia which is often praised as a model of modern democratic constitutions. It must, therefore, sound highly improbable and illogical when adversaries of the Slovak State assert that all this changed from one day to another, that all the democratic traditions of Czecho-Slovakia were so weak that they were transformed without any resistance into "fascist" and "nazi" tendencies by the simple act of the declaration of Slovakia's independence. It would certainly be safe to assume that democracy survived, in many respects, the Declaration of March 14, 1939, and that the Slovak Constitution could not but reflect the principles of democratic thinking and institutions which were alive in Slovakia.

Actually, they survived to such an extent that in many respects the Slovak Constitution has a striking resemblance to the Constitution of the Czecho-Slovak Republic (4). Provisions referring to legislative powers of the Parliament, election and powers of the President of the Republic, the judiciary, and the whole legal structure of the Slovak State had much in common with the Constitution of Czecho-Slovakia which, like the Slovak Constitution, adopted principles of Locke, Montesquieu, Rousseau, or the fundamental principles of French and American Constitutions. The authors of the Slovak Constitution were jurists and parliamentarians educated predominantly at the universities and in the Parliament of Czecho-Slovakia; with one or two exceptions, they were men who studied law abroad and were mainly responsible for the liberal elements in the draft of the Slovak Constitution.

There are, of course, striking differences, too, as far as the ideological bases of these two constitutions are concerned. The religiosity of the Slovak people and their Christian world outlook gave quite a different ideological basis to the Slovak constitution in general, and to its many provisions regarding social institutions, which reflect the ideas of the Papal encyclicals in particular. While the Slovak

Constitution presents God as the ultimate source of Law and declares that the function of the Slovak Republic is to unite all the moral and economic forces of the people in a Christian and national community in order to become the executor of social justice and the protector of common good, the ideological roots of the Czecho-Slovak Constitution were as far from God and religion as were Prague's leading politicians.

On the other hand, the Slovak Constitution could not but differ in provisions or institutions which were imposed by the international situation and which are described as "authoritarian." As we mentioned before, the final requisite for a good Constitution, according to Gettell, is that the Constitution shall correspond to actual conditions within the State. While the Constitution of Czecho-Slovakia reflected certain ideological currents and political structures of the French Republic which was mainly responsible for the creation and existence of Czecho-Slovakia and for the new organization of Central Europe after First World War, the Slovak Constitution could not but reflect a new situation, new organization and a "new order" in Central Europe, created by Hitler's Germany in 1938-1939 with the consent of France and England. Considered objectively, one has to recognize that it took courage and deep attachment to traditions to proclaim in Slovakia, in 1939, God as the ultimate source of Law and order and to use Papal encyclicals as the basis for social institutions, human and family rights on the one hand, and, on the other, "to produce a sort of Slovak edition of the Czechoslovak state" (5).

When, in the summer of 1939, the committee appointed by the Slovak Parliament, labored on the draft of the Constitution, the political crisis in Europe was nearing its climax, and the ideological confusion attained irrational dimensions. The area of Central and Eastern Europe was exposed to ideological struggles and political ambitions of at least three Great Powers and, thus, Democracy, Communism, and Nazism as well as remnants of liberal tendencies were engaged in a rough competition for influence over the Central European peoples.

Slovakia, in the middle of this ideological ferment and

international instability, found herself also threatened by aggression or territorial claims from her neighbors, so that even the very existence of the newly created state on the banks of the Danube and the slopes of the Carpathian Mountains was, from its beginning, endangered.

To expect, in the midst of such political and ideological chaos, any uncompromising attitudes on the side of the Constitutional Committee would amount to expecting from it something humanly impossible. Slovakia had to take a compromising position politically and ideologically not only for reasons of good relations with her neighbors, but also, if not in the first place, in order to survive as a State, since Democracy was considered a provocation, and, in its classic form, in the summer of 1939, was already dying in all Central European countries.

An analysis of the main principles and fundamental rights will show how far the work of the Constitutional Committee of Slovakia — despite its compromising tenor — reflects the tendencies and genuine traditions of the Slovak people. According to the expert opinion of several jurists, the Constitution adopted practically the whole system of democratic-liberalistic constitutions of the 18th and 19th centuries and, though Slovakia was weighed in from the right and left between Godless bolshevism and anti-Christian neo-paganism, she brought forth a constitution "saturated with the Christian spirit and especially with the principles of the social encyclicals of the Holy See" (6).

As for the features of Christian democracy, besides many institutions concerned with social life, family, attitude to work, and function of property, in which we can find the influence of modern Christian sociology, the Christian character was given to the whole Constitution by its Preamble which reads as follows:

"The Slovak nation, under the protection of Almighty God, survived throughout the ages on the territory destined for its national development and there, with the help of God, Who is the Source of all Power and Law, established its independent Slovak State.

"The Slovak State unites, according to Natural Law, all the moral and economic forces of the Nation in a Christian and national community for the purpose of regulating clashing social aspirations and mutually opposed interests of all occupational and professional groups, and has for its goal the highest attainable degree of happi-

ness of society and the individual. This ideal can only be achieved through a moral and political process, initiated by the State, which in harmonious unity will function as an executor of social justice and a protector of common good."

It would certainly be difficult to find among the constitutions of modern states any other which so clearly states that God must be recognized as the original source of Law and Order and that the function of the nation in a Christian and national community in order to become "an executor of social justice and protector of common good" (7).

The accentuation of the social function of the State, which we find in the Preamble, and the emphasis placed on the happiness of both the individual and society, are an indication of the legislators' intention to build a modern welfare state on the principles of Christian social doctrines. We shall see below how principles of Christian social doctrines. We shall see below how these ideas found their expressions in particular provisions and institutions of the Slovak Constitution.

II

General Characteristics of the Slovak Constitution

It is not necessary to be an expert in constitutional law to notice that the Slovak Constitution contains all the democratic devices which political science usually requires from democratic constitutions — such as the separation of powers, the doctrine of checks and balances, and the principle of rule by law. Even the most bitter adversaries of Slovak independence — the Communists and the supporters of Czechoslovakism — did not try to deny these features to the Slovak Constitution. "The Slovak State was intended to make a full show of independence," wrote Alexander Kunosi, one of today's communist diplomats of Czecho-Slovakia, in 1944, from his London exile: "It was to be vested with all the institutions formerly possessed by the Czechoslovak State. Steps were taken to produce a sort of Slovak edition of the Czecho-Slovak State" (8).

Admitting this, the adversaries of the Slovak Republic could not try to say that "the parliamentary facade of Government in Slovakia had, of course, no real signifi-

cance," or that the "Diet did not express the will of the nation or the people," which, as we shall see further, hardly correspond with the truth since the Parliament in Slovakia was not only in theory but also in fact the supreme organ of the State and the most essential powers were vested in Parliament from the beginning to the end.

The Constitution was adopted by a legally constituted Slovak Diet which was established in accordance with the Czecho-Slovak Constitution, and on the basis of the general election which took place on December 18, 1938.

According to Law No. 299, adopted on November 22, 1938, Slovakia became an autonomous part of Czecho-Slovakia, with her own Government and her own Diet composed of 63 members, vested with legislative powers governing not only internal affairs, but required also for ratification of Czecho-Slovak international agreements concerning Slovakia.

This Diet, summoned to a session on March 14, 1939, by the President of the Czecho-Slovak Republic, Dr. Emil Hácha, declared Slovakia an independent State, and a special committee of the Diet prepared the draft of the Constitution which was adopted unanimously on July 31, 1939, as Law No. 185.

The draft of the Constitution was preceded by a study of several existing modern constitutions with a view to giving the country a set of principles that would correspond with contemporary constitutional thinking and the practical needs and national traditions of the Slovak people. The text was prepared by two university professors of Law, Dr. V. Tuka and Dr. F. Ďurčanský, and by several jurists and parliamentarians of young and old generations, Senator Dr. K. Mederly, Dr. M. Sokol, Dr. V. Tvrď, and Dr. Cerhelyi.

In 103 short articles (paragraphs) divided into 13 chapters, the Slovak Constitution gave a radical as well as social basis to the new State in Central Europe. The first article of the Constitution declared the Slovak State a Republic with a President as an elected head, with terms, according to Gettell, are used to indicate a representative democracy (9).

According to articles 6, 7, 8, and 9, legislative power

for the entire country vested in the Parliament, composed of 80 members and elected in a general, direct, equal, and secret suffrage for a period of five years. The right to vote belonged to every citizen over 21 years of age, man and woman, without racial or religious discrimination. This right to be elected to Parliament belonged to citizens over 30 years of age.

The Parliament was based on the unicameral system, and the President of the Republic was obliged to convene the Parliament for regular sessions twice a year, and for extraordinary sessions whenever the majority of members demanded such a session. Laws promulgated by the Parliament required the President's signature for their validity. Paragraph 26 provided, however, that laws could be promulgated despite the President's veto, if they were adopted by a three-fifths majority in the presence of a two-thirds majority of deputies. The right to appoint governments belonged to the President, but the Government was responsible to Parliament and subject to its vote of confidence. The Parliament also had the right of prosecution of the President for high treason.

Part III of the Constitution deals with the powers and functions of the President, who was elected for a period of seven years. Any citizen, 40 years of age or over, was eligible for the office, and the election was valid if two thirds of the members were present and the candidate obtained a three-fifths majority. A comparison of powers and functions of the Slovak President, as defined in the Constitution, with those of other parliamentary democracies will prove that his powers were somewhere between the extensive functions and powers of the American president and the purely representative functions of the Presidents of France (before De Gaulle). He represented the State internationally, had the right, with the consent of Parliament to declare wars and conclude peace, to appoint and dismiss ministers, to appoint, but not to dismiss university professors, judges, civil servants, and military officers of the three highest categories. He also had the right to be present at the sessions of the Government and Council of State, to request their convention under his chairmanship,

to convene, dissolve and prologue Parliament, to sign or veto Parliament's acts, etc.

While making the president a dominant figure of the executive, the Constitution, on the other hand, contained provisions which were designed to prevent dictatorial powers (10). The Parliament was able, as we have seen, to promulgate laws even if opposed by the President and according to paragraph 40, "any executive act of the president requires counter-signature by a competent cabinet minister for its validity." No person could be re-elected more than once to the presidential office and when the president died during his term, abdicated or was permanently unable to exercise his functions, it was the duty of the Prime Minister to assume temporary functions of the president. A new president had to be elected by the Parliament within thirty days.

The President represented, together with the Cabinet, the executive of the Slovak Republic and, consequently, the Slovak Government had some features of a presidential type of government and, at the same time, it also contained elements of parliamentary government. An expert on constitutional theories can prove both, because — while the essential characteristics of parliamentary government are: 1) a politically independent head of State; and, 2) a cabinet which is politically responsible to Parliament — "parliamentary Government may also develop in the opposite direction. The Cabinet can become the dominant political organ, able to control the government of the country and direct the work of the Parliament which assists it in the execution of its program," says Andre Mathiot in his excellent treatise "The British Political System" (11).

It is not, however, our intention to discuss theoretical issues here. One can easily prove that the executive in the Slovak Republic was also predominantly of the presidential type, because "every system of Parliamentary government has its own distinctive features, resulting from a complex of many different factors. History, the national temperament, beliefs and ideologies, conventions of political behavior, attempts to imitate a particular model or to avoid certain dangers, etc." — states Mathiot. All these factors

played their distinctive roles in the Slovak Constitution and made it a constitution "sui generis."

As for the powers and constitution of the Slovak Cabinet, the President of the Republic appointed and dismissed the Prime Minister and members of the Cabinet and determined which member would administer individual ministries (Article 41). The Parliament was also empowered to call the Cabinet and its individual members to political responsibility and to express lack of confidence which would result in the dissolution of the cabinet (Article 48). Practical considerations demanded, on the other hand, a certain measure of delegation of legislative powers to the Cabinet. The jurisdiction of the Cabinet was limited to governmental orders, namely, during a national emergency, or orders pertaining to the execution of certain types of laws, and within the limits specified in the laws. Validity of such orders was conditional, since the Prime Minister was obliged to submit them within three months to the Parliament, which, in turn, could disallow such measures or could make whatever changes it deemed necessary, or pass it as its own law (12).

Chapter V of the Slovak Constitution defined the functions and composition of the Council of State, a special body composed of outstanding personalities from various walks of life whose functions pertained to a sort of control of the political life in Slovakia. The Council was composed of 6 members appointed by the President of the Republic, ten members were chosen by the Slovak People's Party, two members by the registered parties of ethnic groups, and one was delegated by each estate. The Prime Minister and the President of the Assembly were also members of the Council.

The functions of the Council were defined by the Article 52 and consisted in initiating legislation, controlling and prosecuting the President, Prime Minister and Cabinet Ministers, and in advising the President and the government on matters of a political, cultural, and economic nature. The Council also prepared the list of candidates for parliamentary elections and made decisions concerning the loss of

parliamentary seats, following a request from the President of the Assembly.

Politically, the reason for the existence of the Council was given by the desire to have, in the absence of a Senate, representatives in the political life of the new State from groups or professions who usually did not look for an election to Parliament, but whose advice, abilities, and moral stature were destined to help the Government in its endeavour to make the population happy and united behind the political leadership. The authors of the draft of the Constitution expressed their intention in stating that "the Council of State is the expression of political and national unity, and also joins the national and political life with the constitutional representatives, combining itself the function of legal initiation and control."

Following the social doctrine of the Papal encyclicals, the authors of the Constitution also included in their draft certain institutions which characterize the so-called "corporative" systems. Chapter VII of the Slovak Constitution had foreseen organization of Slovakia's inhabitants into six self-administered bodies called "stavy" (estates) according to occupation and profession: the association of workers and employers in agriculture, in industry, trade, commerce and banking; the association of the free professions and the association of State and public employees. "The associations included both employers and employees and they were assigned to take care of the economic, social, and cultural interests of their members, to solve labor and wage disputes and problems among employees and employers, and to help members of the association to achieve better results in their industries and occupations and a higher standard of living for the nation (Article 62). Acting on Law No. 297 of the Collection of Laws, the President of the Republic appointed the presidents on November 19, 1940, and the aim of the associations was again given as "to manifest the unity of the Slovak workers' community, without heed to classes and callings, and bearing in mind only the interests of the nation and the State" (13).

As for the judiciary, we have already stated that the Slovak Constitution was based on the principle of separa-

tion of powers, as defined by modern political theories. There were three types of courts: courts of law, administrative courts, and military courts. The organization of courts and their legal competence were left to a special legislation. As in any modern constitutions, the Slovak Constitution provided that the courts of law were empowered to review any decision of administrative courts and, on the other hand, the jurisdiction of military courts could be extended over the civil population during wartime and for war crimes. "Judges are independent," states Article 67, "in their judicial functions and are bound only by law." The Constitution contained provisions that no person could be deprived of the judge designated by law to hear the case (Article 62), and Article 66 made the judiciary free of any interference either on the part of administrative or political leadership. The professional judges were appointed to their positions permanently and "they have held a highly privileged position, appropriate to their equally high office," states Judge A. Peltzner (14).

The Chapter dealing with the rights and obligations of the citizens (Chapter X) can sustain comparison with any democratic and liberal constitution and a modern "Bill of Rights." The Slovak Constitution guaranteed full and equal rights to all citizens without distinction of sex, race, creed, occupation, or ethnic origin. The guarantees refer to personal freedoms, private ownership, religious freedom, freedom of expression of opinion, scientific research and arts (15), provided they were exercised within the limits of valid laws and did not come into conflict with public order and Christian morals [Article 85] — (16).

The Constitution was based on the principle that "no person can be punished for behavior which is not in conflict with valid legal form and for which a punishment has not been previously determined," applying the old principle "nulla poena sine lege," and all inhabitants, regardless of origin, nationality, religion, or occupation, were entitled to the protection of life, liberty, and property (Article 81).

There are, in the Slovak Constitution, even some particular provisions which intended to give to the Slovak State

a progressive, modern, social and Christian character. Such provisions are as follows:

Ownership has a social function and demands from the owner administration in the best interest of the common good (Article 79). Marriage, family and motherhood are under the strict protection of the legal order (Article 86). Labor is protected. Exploitation of socially weak citizens is prohibited. Wages should be adequate to the working effort and family status. Mental and physical work is a civil duty, etc.

"All these provisions can be described," says Dr. Peltzner, "as an intensified care and protection of the family, social purpose of private ownership, protection of the working man, his wages, and social justice to all. All were aimed at achieving a new social order, where clashing social interests would be minimized and eventually abolished. This concept of social and labor legislation was greatly influenced by the encyclical letters of the Popes of the Roman Catholic Church, especially by *Rerum Novarum* and *Quadragesimo Anno*" (17).

In order to present a complete picture of the Slovak Constitution, we have to mention provisions regarding political parties. The chapter dealing with the political organization (Chapter VI) merely legalized the existing situation which was created in Slovakia by the so-called Žilina Agreement of October 6, 1938, long before Slovakia declared her independence and the Parliament adopted the Constitution. The provision referring to political parties consists of only two paragraphs, the first stating that "the Slovak people participate in political life through the medium of Hlinka's Slovak People's Party (the Party of Slovak National Unity)," and the second legalizing the political activities of ethnic groups, providing that "the ethnic groups participate in political life through a medium of their own political party, provided that such a party can be considered as a representative of the political will of the entire ethnic group" (Articles 58, 59).

Since October, 1938, when the number of political parties was reduced due to internal and international circumstances and development, there were in Slovakia three po-

litical parties, legally constituted and taking part in the political life of Slovakia. The Communist and the Social Democrat parties, representing only ten deputies, had been dissolved or suppressed following the Žilina Agreement. Six other parties merged into the Slovak National Unity Party, which remained the backbone of the political system of autonomous Slovakia before March 1939, and of the Slovak Republic thereafter. The German and Magyar ethnic groups were represented by two minority parties, and the Ukrainian minority by a member of Parliament within Hlinka's Slovak People's Party, the Party of National Unity.

The fact that the Slovak Constitution provided for only one party for the Slovak people caused certain criticism abroad and marked, according to some critics, the Slovak Republic as an authoritarian state. For everybody who knows the Slovak political life between the years 1918-1939 and who is aware of the composition of the Slovak Diet in which representatives of practically all previous political parties except Communists and Social Democrats had their seats, such reproaches would seem to be more of a theoretical than practical nature. There is no doubt that without provisions restricting political life of the Slovak population to one party only, even if it was composed of fractions of many parties, the Constitution would have looked more democratic and beyond reproach, because a multiparty system is one of the main characteristics of modern representative democracies. However, war conditions and specific needs and dangers forced the Slovak political leaders to adopt many restrictions which are understandable only if we take into consideration all the problems and dangers which the Slovak Republic had to face from the first days of its existence to the end of the war from the outside and the inside.

This as well as other features which marked the Slovak Constitution as "authoritarian" were or will be discussed later in this treatise. Before concluding our remarks on the general characteristics of the Slovak Constitution, it seems appropriate to analyze the formal features of the text and its contents. In this respect, we can say that from the point of view of political science and constitutional law, the Slo-

vak Constitution conforms to all requirements which political science demands from modern constitutions. It can be classified as a comprehensive set of fundamental principles and laws covering the whole field of government and making provisions for the exercise of political power. It outlined the governmental organization, determined the relations of the governors and the governed, and provided a legal method for amendments, so that it might be changed when necessary by the prescribed majority in Parliament.

III

"Authoritarian" Features and Deviations

The statement of the Select Committee of the House of Representatives mentions that the Slovak Constitution contained also principles of "an authoritarian state." There is, however, no indication in the report where these principles are to be found, except perhaps in the words that "the executive was to prevail over the legislature after Slovakia, in 1941, had entered the war against the Soviet Union," and that "the number of political parties was reduced — after the Communist and the Social Democrat parties had been suppressed as subversive — in October, 1938, and the six other parties merged into the Slovak Unity Party, the backbone of the political system of the Slovak State."

Actually, the Constitution did not reduce the number of Slovak political parties. It merely legalized a situation which was created in Slovakia in 1938, when Czecho-Slovakia became a federation. We have already explained in part how and why this happened and that unity was not forced on any political party as was later claimed. The representatives of all Slovak and Czecho-Slovak parties were happy that the victorious autonomist movement did not resort to reprisals, and the Slovak population, regardless of previous political affiliation or creed, also approved the new situation. Though the law and electoral system allowed participation of many parties and the autonomous government of Dr. Tiso published an announcement requiring political parties to file the list of their candidates for election, only the Slovak People's Party — the Party of National Unity — filed a joint list of candidates which contained leading per-

sonalities of all previous parties except the Communist and Social Democrats. The new Slovak Parliament issued from this election, held on December 18, 1938, and conducted under the rules of the Czecho-Slovak Constitution and electoral system, was composed of 48 former Populists, 12 former agrarian, Artisans, Slovak Nationalists and even National Socialists (Dr. E. Beneš's Party), two Germans, one Hungarian, and one Ukrainian. It was this Diet which unanimously proclaimed Slovakia on March 14, 1939, an independent State and adopted the Constitution of the Slovak Republic.

There were no changes in Party system or in the composition of party representatives in 1939, and former adherents of Prague's centralism worked in the Slovak Parliament and Party organs quite happily together with former autonomists, Protestant ministers with the Catholic clergy, agrarians with artisans, etc., until 1944, when the outcome of the War became clearly unfavorable to the further existence of the Slovak Republic and the restoration of Czecho-Slovakia by the Soviets and Allies was in sight.

There was, of course, a change in the structure of the Party of National Unity, which combined from March, 1939, nominations with election of Party functionaries on all levels, and the role of the Party altered considerably. The President of the Party, Msgr. Dr. Joseph Tiso, and this writer as Secretary General, insisted on avoiding imitation of foreign models either in ideology or organization, as had been admitted even by Communist and Czech adversaries (18). Some features and symbols of Italian and German party systems were nevertheless adopted, and on the surface there was an adaptation to the "New Order" in Central Europe, which in some respect was far from a parliamentary or representative democracy in the traditional sense. In practice and ideologically Slovakia, however, continued the "decrepit democratic system of Benes' Republic," as Hitler stated in his reproach to the Slovak leaders in July, 1940, during the so-called "Salzburg Summons."

After the Salzburg meeting which resulted in the forced resignation of the Minister of the Interior and Foreign Af-

fairs, Dr. Ferdinand Ďurčanský, and of this writer as Secretary General of the Party, some measures were adopted which did not correspond either with the letter or with the spirit of the Slovak Constitution and which measures effected, in some respects, "the executive prevailed over the legislature." The Party's importance for some time considerably diminished and the Hlinka Guard, originally and according to the law a section of the Party, tried to control the Party and political life, but this development did not bring about any constitutional changes, it did not last for any length of time, and was either challenged or disapproved and finally checked by the Parliament, the President and the Party leaders (19).

It is a matter of fact that there were, in this period, attempts to introduce a sort of "Slovak National Socialism" in the administration of public affairs and there were arbitrary actions of irresponsible persons and groups against certain groups of population, but the Parliament and especially the President and the Party tried to stop these currents and transgressions and gained satisfactory control of the situation in this case, as in the first weeks after the declaration of independence.

This, however, did not prevent the adversaries of the Slovak State from an incorrect and often malicious interpretation of the intentions of the Slovak political leaders who centralized political institutions and also economic and administrative offices only because they were forced to do so by war conditions and by the desire to achieve unity of the nation which was before intentionally divided into many fractions by Prague's rulers who ruled Slovakia during twenty years according to the old dictum "divide et impera." They presented many institutions which were imposed upon Slovakia by war conditions and the international situation as a part of a "totalitarian or authoritative system," though, on the other hand, they admitted that "public offices and institutions which had not formerly existed in Slovakia, were introduced on a Czecho-Slovak model, among them the Supreme Court, the Supreme Administrative Court, the Supreme Audit Department, the Post

Office Savings Bank, the National Bank, the Land Office, the Statistics Office, etc." (20).

The war imposed a number of new offices everywhere, in Great Britain, in the United States, and in Canada, such as: Price Control Office, Central Economic Office, Propaganda Office, etc. When similar offices were organized in Slovakia, the adversaries of Slovak independence, from their London or Washington asylums, denounced them as proofs and instruments of "authoritarian" or "nazi and fascist" systems and oppression. No doubt, the Slovak administration during the last years of the war had some offices and institutions which had names or structures similar to German or Italian institutions, but there was "a mixture of old and new elements," as admitted even by the Communists and Czech adversaries and definitely the democratic or "Czechoslovak" model prevailed and the intention of the responsible Slovak leaders behind all these institutions was not to introduce nazism or fascism, but to secure prosperity, security, and smooth functioning of the new State, or in other words, to save the Slovak people and its substance at a time when it was faced with physical and spiritual ruin.

Some original "authoritarian" features of the Slovak Constitution are due to the fact that the jurists and Parliamentarians who prepared the draft looked for inspirations in the countries which were in similar political or geographical situations and equally threatened either by the impact of nazism or communism. For this reason mainly the Constitution of Austria under Dolfuss-Schuschnigg and the Constitution of Portugal were studied by some members of the preparatory legislative committee and, while the Austrian Constitution showed them how to defend the country against infiltration of German National Socialist ideology, the Constitution of Portugal was studied because of the threat of Communist infiltration. Adversaries of Slovak independence who knew that this was the correct interpretation of the "authoritarian" elements in the Slovak Constitution, tried to prove, of course, the very opposite: they spoke and wrote of a deliberate introduction of "nazi" or "fascist" ideology and system, using for proof some short comings or measures imposed by the war and German pressure

on Slovak Administration and Government. They also failed to realize that "the value of any form of government may be judged either by the success and efficiency with which it accomplishes its proper purposes or by the effect which it produces on its citizens and the degree of satisfaction and confidence that they feel toward it," as Gettel says.

That there were problems and shortcomings, none among responsible Slovak leaders had ever denied. "Our constitutional organs, our legislation, executive, and judiciary are in their infancy," wrote the official newspaper **Slovak**. "We shall show no weakness if we admit that here and there various institutions are still very shaky." There was quite open criticism of all shortcomings and often violent attacks on institutions and leaders from many parts, even from President Tiso and the young leadership of the Party, because, while there was formally only one Slovak political party, the public heard critical voices, and public opinion was created outside Parliament by the Party press, Hlinka Guard press, German and Hungarian minority press, and clandestine Communist opposition. All of them wrote and spoke from their own angles and viewpoints. Certainly, too many voices for an "authoritarian" or "nazi" regime and State — a fact which was later recognized even by some adversaries.

"The fact remains," reported Dr. M. Kvetko, one of the leaders of the "People's Democracy," installed in Slovakia in collaboration with the Communists, to American authorities in Germany in 1948, "that a significant number of the politicians of the Slovak People's Party, and especially of the populace, were not inclined to fascism and prevented its spread so effectively that, excepting the retaliations against Jews and Communists, no special actions were undertaken against the vast majority of the people. And so, with regard to the fact that Slovak people managed the affairs in Slovakia, we can hardly speak of treason and collaboration (with nazism) as the Communists tried to do in order to frighten the people and create chaos, so that they could come to power."

This chapter was intended, however, to deal with the

Constitution of the Slovak Republic which, without being changed, remained the basis of legal system and governmental structure from 1939 to 1945, when Russians armies overran the country, raping and looting without precedence in Slovak history, and imposed on the Slovak people the new "people's democracy" and Czech domination within the framework of a restored Czecho-Slovakia. The Slovak Constituiaion reflected old Slovak Christian and democratic traditions and there can hardly be any doubt that the responsible Slovak leaders endeavoured to govern in accordance with the Constitution, and only because of limitations imposed by the international situation and other circumstances which were beyond the control of the people and their leaders, there were deviations from the Constitution. For this reason it can be admitted that "the Slovak State reflected a compromise between the past and present, between an old tradition and a temporarily determined political dynamism in Central Europe." And for the same reason the Slovak Constitution "contained principles which in some aspects combined features of the liberal, the Christian Democratic, and the authoritarian State."

1. R. G. Gettell: *Political Science*, University of Calif., 1933, p. 244.
2. Cfr.: "Communist Takeover and Occupation of Czecho-Slovakia," *Union Calendar* No. 929, *House Report* No. 2684, Part 14, Washington, 1954. The Select Committee was composed of Congressmen, as well as a group of experts from Georgetown University and various parts of the United States.
3. Milan Hodža: *Federation in Central Europe*, London, 1942, p. 208-9.
4. Cfr. Alexander Kunosi: *The Basis of Czechoslovak Unity*, London, 1944, p. 86; and H. Lee McBain: *The New Constitutions of Europe*, New York, 1922, p. 307-342.
5. Even communist adversaries has to admit that "the Nazi model was not shamelessly imposed" and that "the new Slovak state was launched with all the paraphernalia of a national ideology apparently corporative and Christian," as wrote K. Kunosi in London, in 1944.
6. Joseph A. Mikus: *La Slovaquie dans le drame de l'Europe*, Paris, 1955, p. 127-131; also article by J. F. Gleiman in symposium *Slovenská Republika*, ed. N. Sprinc, Scranton, Pa., 1949, p. 108-112, and the English translation in *Slovakia*, Middletown, Pa., Vol. II, No. 3, p. 20. An excellent analysis of the Slovak Constitution was also prepared by former judge Anton Peltzner, LL. D., as a thesis for the M. A. degree at the University of Montreal in 1957.

7. "This presentation of God as the ultimate Source of Law, and the interdependence of human and divine order as reflected in the Preamble of the Slovak Constitution can prompt one to question," says Dr. A. Peltzner in his analysis, "why the authors of the text considered it wise and appropriate to formulate the preface in such a sense and import." The answer, in his opinion and in the opinion of all who are familiar with the history of the Slovak people, is based on two elements: 1) there was a long and sincere dedication of the Slovak people to their religion, and a mutually long and faithful service of the Slovak clergy to their nation; and, 2) the geographical position of the Slovak Republic was such that, on the Eastern frontiers stood the might of Marxist atheism, and from the Western side there was a potential danger of spreading and infiltrating of modern paganism, as formulated and taught by German National Socialism. The political leaders of the Slovak people considered it, therefore, as highly desirable to state that "Slovaks stood firmly by their national traditions, of which belief in God and His Omnipotence was the substance of the whole concept." — Cfr. Dr. A. Peltzner: *The Slovak Constitution and Modern Political Theory*, p. 105.
8. Ibidem, p. 86.
9. Ibidem, p. 195.
10. Ibidem, p. 48.
11. André Mathiot: *The British Political System*, London, 1958, p. 135.
12. The Constitution empowered the Cabinet to issue a government order with the legal force and effect of law when economic, financial or political interests of the State required immediate attention, and only when lack of action could cause irreparable damage to these interests.
13. Cfr. Kunosi: *Opus cit.*, p. 86.
14. Ibidem, pp. 76-82.
15. See: Chapter X, articles 75-85.

That some of these freedoms were later limited or in individual cases disregarded, nobody would deny. The war imposed restrictions on personal freedoms in every country. In Slovakia, one could hardly expect that ideological influences of Germany and the political and economic pressures of war conditions would not result in a restriction of civil rights, or in transgressions by some individuals or groups of individuals. This, however, was not the fault of the Constitution, and as for the President of the Slovak Republic and the Parliament, they tried to apply restrictions with respect to human life and natural rights.

16. The measures adopted against Jewish citizens were in many regards unconstitutional and mainly a result of German interference and deceit, especially as far as the transfer of a part of Slovak Jews to Poland was concerned. They were destined for labor, not extermination. The President as well as other Slovak authorities tried to avoid the tragedy but were able to save only a portion of those to be transferred. On the attitude of the Slovak Population see *Raport du Comité In-*

- ternational de la Croix Rouge, Geneve, 1948, I-III, I-er vol., P. 674, and also J. A. Mikuš, Opus. cit., p. 136.
17. Ibidem, p. 101.
 18. Cfr. A. Kunosi: Opus cit., and also Chapter on Political parties.
 19. It is a matter of controversy among experts of constitutional law if the preponderance of the executive over the legislature gives an authoritarian character to a State. "A dominant executive can be defended on theoretical grounds," says André Mathiot. "The Cabinet, no less than Parliament, comes into being as the result of an election which more or less determines its composition. Thus, in Great Britain, the relationship between the Crown, Parliament and the Cabinet have gradually developed to produce a unique parliamentary regime in which the executive is now the dominant organ. Parliament remains legally sovereign and in theory the supreme organ in the State, but it is no exaggeration to say that effective political power is nowadays concentrated in the small group of men who constitute the Cabinet" (Opus cit., p. 135). We have, of course, no intention to rights, on theoretical grounds, and to compare the regime in Great Britain with that in Slovakia.
 20. Cfr. Kunosi: opus cit., p. 89.

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MARCH 14, 1939:

SLOVAK INDEPENDENCE DAY

By Andrew Pastor

The day of independence of a nation represents the culminating point in what often was a long struggle for its achievement. Independence comes easy, but the road leading to it is strewn with hardships, sufferings, miseries, and oftentimes death. Whether that day be the 4th of July, or the 14th day of March, it is a day of recollection upon which each individual looks with pride, knowing that this day years ago marked the beginning of a new and brighter era in the historic evolution of one's nation.

What is the historical background of Slovakia's independence? Briefly the political history of the Slovaks dates back to the 9th century when Rastislav, the ruler of Great Moravia (846-870), made himself known for the intensive christianization of their territory by inviting Sts. Cyril and Methodius, the Apostles of the Slovaks and the

Slavs, to Great Moravia. With our forefathers they laid the foundations for the church organization, the Slav liturgy, Slovak alphabet and literature in Slovakia.

In the 10th century Slovakia became a battlefield in the struggle among the Slovaks, Magyars, and Germans. At the beginning of the 11th century she became a part of the Hungarian Kingdom under the Arpad dynasty. In the 15th and 16th centuries the internal problems of Hungary reached a certain degree of consolidation. The invasion of central Europe by the Turks in the 16th and 17th centuries reduced Hungary to the area of present-day Slovakia. For quite some time sessions of the Hungarian Parliament were held in Bratislava, the Slovak capital, and the coronations of Hungarian kings were celebrated there. The end of the 18th and the first half of the 19th century mark the beginning of the Slovak national renaissance.

In 1848 the Slovaks aided the Habsburgs in putting down the Kossuth rebellion with the hope that Slovakia would be finally acknowledged as an autonomous land within a federated monarchy; this, however, was never realized. In the "Memorandum" of the Slovak nation of June 7, 1861, a Slovak national assemblage asked the parliament of Hungary to create an administrative unit for the counties inhabited by the Slovak population under the name of the "Slovak Region," with a degree of political and cultural autonomy, but the Hungarian parliament refused the petition.

In 1891 the Serbs and Rumanians from Transylvania and the Slovaks convoked a congress in Budapest, claiming national rights and asking for a federative reform of the kingdom on the principle of equality, but to no avail.

The end of the first World War saw the end of the Austro-Hungarian Empire. Its passing ushered in a new and hopeful era for the Slovaks who were confident that the new Czecho-Slovak partnership within the framework of the newly created Czecho-Slovak state would at last fulfill their aspirations. General Milan R. Štefánik, champion of the Slovak cause, had his misgivings. Andrew Hlinka, great Slovak patriotic leader, went clandestinely to the

Paris Peace Conference in September of 1919 advocating an international guarantee for the self-government of the Slovak nation within the state of Czecho-Slovakia. He was denounced by the Czecho-Slovak delegation, headed by Dr. Eduard Beneš, to the French police as a Habsburg spy and was forced to return to Slovakia where by the order of Prague he was imprisoned until April 1920. In the opinion of the Slovak leaders, the Czecho-Slovak state became a Czech state, enlarged by Slovakia, and Sub-Carpathian Ruthenia.

Close to eleven hundred years elapsed before the Slovak nation on March 14, 1939, finally declared its independence. Even though the Slovak State was largely the result of a tense international situation, it nevertheless corresponded to the aspirations of the Slovak people for freedom and the principle of self-determination and self-government.

Altogether 27 states recognized the international individuality of Slovakia, among them the Holy See, Switzerland, Sweden, France the Soviet Union, and Great Britain.

The Slovak Constitution contained principles which in some aspects combined the features of the liberal state, of Christian democracy, and of the authoritarian state. It reflected a compromise between the past and the present, between an old tradition and a temporarily determined political dynamism in Central Europe. But, in general, it was an expression of the self-preservation instinct of the Slovak nation.

As the second great war drew to a close, at the end of April, 1945, Moscow claimed exclusive rights to the occupation of the territory formerly comprising Czecho-Slovakia. By September of that year, the Czech Communists were well on the road to power. In the first election of May 26, 1946, 56 percent of the voters in the Czech lands elected 130 out of 229 deputies from the Marxist bloc; in Slovakia, however, the Reds were soundly trounced. The stage was set for the transition, and the complete seizure of the government by the Czech Communists. The Select Committee on Communist Aggression of the Ameri-

can House of Representatives in 1953, on evidence before it, estimated, that there were about 100 forced labor camps in Czecho-Slovakia, confining approximately 300,000 political prisoners.

In Slovakia, as elsewhere, the Church bears the full fury of Communist terror and brutality. The Slovak President, Monsignor Joseph Tisco, was sentenced to death by a People's Court, and executed by order of the Beneš government. There are priests imprisoned in the Czecho-Slovak Republic at the present time. This does not include the deported monks, nuns, and priests of the Eastern (Greek) Catholic Rite. Slovak bishops Vojtaššák, Buzalka, and Gojdič are also in prison.

Slovakia's resistance to Communism continues in the tradition of its resistance against all who would destroy her identity, her religion, and culture, for she carries the glorious torch of Christianity which she received 1100 years ago from the hands of two saintly brothers, Cyril and Methodius.

Those of us who have had the fortune to live most of our lives in a free country take our freedom and independence for granted, but our brothers over there, less fortunate than we, are now engaged in a struggle to regain it.

Together with their enslaved brother Slav nations, they are looking forward to the day when they can again rededicate themselves as free men to the universal principle set out in the preamble to the American Constitution "that all men are created equal, that they are endowed by their Creator with certain inalienable rights, that among them are life, liberty, and the pursuit of happiness, that to secure these rights governments are instituted among men, deriving their just powers from the consent of the governed. That whenever any form of government becomes destructive of these ends it is the right of the people to alter or abolish it and institute a new government." We would be remiss in our moral duty if we did not do all in our power to hasten the advent of that day.

The History of Slovakia:

By PHILIP A. HROBAK

(Continued)

With their economic development the cities and towns also became important centers of cultural life. German settlers brought higher education to the Slovaks, so that many Slovak cities became centers of western European culture. Schools originated near the parish churches and the monasteries. Hospitals were built in many cities. Into all the cities came the architects, contractors and artists, who built and decorated not only churches and city halls, but also the homes of the prosperous citizens. Of course, all this had some influence on the outlying villages and hamlets which were in constant touch with the cities.

CRAFTSMEN'S GUILDS IN SLOVAKIA

Besides the merchants, who brought various merchandise from the neighboring countries into Slovak cities and formed the wealthiest group, there lived in these cities also the tradesmen, who established their workshops and sold their wares at the markets.

Slovaks were acquainted with some trades, others they acquired from their neighbors, but the bulk of trades were introduced into Slovakia by the German colonists in the thirteenth and fourteenth centuries. At first only those trades were fostered which served the everyday needs of the people (carpentry, cabinet-making, tanning, shoemaking, cloth-making, tailoring, etc.). Other trades originated and developed gradually with the economic and cultural conditions of the country. The higher the standard of living, the more trades were developed and applied in the cities, towns and hamlets.

Just as the various types of trades came to the Slovaks by way of Germany, so came also the custom of the tradesmen organizing in associations which were called guilds. In every city there were as many guilds as there were different types of trades. As the number of trades

gradually increased, so did the number of guilds. In the large cities each trade had its own independent guild, while in the smaller towns, and later in the larger villages, the closely-related trades were united in one common guild.

Only some cities were granted a monopoly on certain types of trade; e.g., only Košice had the privilege of making linen (barchet) and Bardejov had the right to bleach cloth. In the larger cities work shops were usually grouped in particular streets so that many of these streets derived their names from the type of trade that prevailed there. In Bratislava, even today there still are streets called Sedlárska, Klobučnícka; in Trnava: Pekárska, Halenárska, Ostrožná, Mäsiarska; in Banská Bystrica: Kováčska; in Hlohovec: Mydlárska; in Žilina and in Košice: Zvonárska, Kováčska, Mäsiarska.

As a technical organization, the guild took care of all the interests of its members. Each guild had its own written by-laws which contained detailed regulations called articles. The furrier's guild in Košice had its own articles already in 1305. The Bratislava guild of butchers, shoemakers and bakers had written articles already in 1376. The organization of the guilds took place in the fourteenth century, attained its greatest development in the fifteenth and sixteenth centuries and lasted until modern times, when factory products began to give real competition to the products of the guilds. The by-laws of each city guild had to be approved by the city council and by the landlords; and by secular and church authorities in the smaller towns. The guilds frequently had their statutes approved even by their sovereigns.

Due to the fact that many Slovak cities in the thirteenth and fourteenth centuries had a majority of German inhabitants, the guild regulations were written at first in German or Latin. But later, when the Slovaks became the majority, the by-laws and correspondence of the guilds were more frequently in the Slovak language. The Trnava Guild of Tailors already in 1558 did its writing in Slovak; the Butchers' Guild in 1562. The guilds of Trenčín and Hlohovec used the Slovak language at the end of the sixteenth

century. In the seventeenth century all the smaller towns (Bánovce, Bojnice, Bečkov, Bytča, Holíč, Humenné, Ilava, Jelšava, Myjava, Prievidza, Púchov, Rajec, Skalica, Šaštín, Topoľčany, etc.) kept their guild records in Slovak.

Only a master-craftsman could become a member of a respectable guild, after he had fulfilled all technical and moral requirements. In each guild the number of master-craftsmen was limited to prevent overproduction in goods. In Bratislava in 1376, there could be only twenty-eight butchers and sixteen bakers. Every member of a guild was obliged to present only perfect products at prices determined by the guild. All tradesmen had to work in the same way so that their products were of like quality and price, and all competition removed.

At the head of each guild was a guildmaster, whom the members elected for a period of one year. If there were a number of master craftsmen in a guild, the leader of the guild was the chief guildmaster. The guildmaster was the head of the guild, represented the guild before the authorities, especially before the city council in whose presence he took the oath of office after his election. He took care of all the guild's interests, presided at meetings, held several times a year in his home, and at banquets. He supervised the work of all members of his particular guild, judged their products especially before they went to market, saw to it that all regulations were strictly observed, and in his care were all documents and letters and finances of his guild. The guildmaster was sole arbiter of all arguments between members; he imposed punishment and collected all fines. He was a very respected personality not only among the membership of his guild, but among the general public as well.

Members of the guild were divided into senior and junior master craftsmen. The elder masters, authorized by the guildmaster, supervised the work of the members of the guild and maintained order and discipline. The younger masters were obliged to perform various menial duties, such as lighting candles in the church, serving as waiters at banquets, taking care of the weak and sick masters, dig-

ging graves and acting as pallbearers for deceased masters. After banquets, if the senior masters were unable to find their way home, the junior members were obliged to escort them.

Great care was taken to see that all members of a guild conscientiously performed their religious obligations. The wealthier guilds had their own altar in the parish church which was dedicated to the patron saint of their guild. Every guild member was obliged to attend divine services on Sunday and Holy Days, and had to receive the sacraments at least once a year. At church processions the entire guild took part under its own standard, which bore the image of the patron saint and the trademark of the guild. Any member guilty of transgressions, which caused scandal and so harmed the good name of a respectable guild, was obliged to pay a prescribed sum into the guild's treasury, or give candles to his church.

In the event of danger, when an enemy threatened the city, the guild members were obliged to defend the ramparts of the city. The city assigned to each guild a tower or bastion which the members had to keep in good order and supply it with weapons and ammunition. City bastions have retained individual guild names even to this day (Pe-kárska bašta, Obuvnícka, Mäsiarska, etc.). If a fire broke out in the city, each guild had to take part in the rescue work and also bring a prescribed number of buckets of water to help extinguish it.

So that only honorable persons could become members of a guild, people of good morals and technically well prepared, many years of apprenticeship and strict education were prescribed for applicants.

SLOVAKIA AFTER THE TURKISH INVASION

When the Turks abandoned plundered Hungary, King Béla IV set out to reconstruct his country. He invited foreign settlers in large numbers, so that some might cultivate the depopulated areas. Many Germans settled in the hilly regions to found new villages and towns. But nomadic Cumans also came again to occupy the lowlands and the southern foothills of the Slovak mountains. The Germans

brought a high degree of culture into the country and contributed handsomely to its economy, while the Cumans were supposed to be the military support of the Hungarian king.

But Hungary, even during the reign of Béla IV, was in a difficult situation, which was caused by internal revolutions and the growth of the Bohemian kingdom under Přemysl Otakar II and his successors. Béla IV could not maintain the integrity of his kingdom. His son wanted to rule during his lifetime, and Béla was forced to let him rule over the Eastern part of Hungary. This partition of Hungary weakened it terribly and increased the dangers of invasion by outside enemies. While the members of the ruling family quarreled, the wealthy nobles strengthened their own positions and prestige.

Slovak territory played an important role in the development of these relations, since both the Czechs and the Hungarians were interested in it. Přemysl Otakar II became ruler of Austrian lands and extended his rule to the banks of the Adriatic Sea. Since the Hungarian king claimed a part of these lands, especially Styria, hostile relations between the Czechs and Hungarians resulted. But Přemysl Otakar II also wanted Slovakia, and this only infuriated the Hungarian monarch more. Wars were inevitable. They were fought on Slovak soil and the Slovaks paid with their lives and property for the enmity existing between two foreign rulers. A part of western Slovakia, including Bratislava, Trnava and Nitra, became prey of the Bohemian king several times after 1271 and the victim of the ruthless devastation of the Czech armies. Finally, this area fell into the hands of Austrian dukes and barons.

After Béla's death (1270), the Hungarian throne was occupied by rulers who became friendly with the pagan Cumans, spent most of their time in their camps, where they abandoned themselves to riotous, pagan living. Consequently the whole country suffered. In 1280 the Bishops and nobles persuaded King Ladislaus IV to abandon his reckless adventures and to domesticate the wild Cumans. But the Cumans rebelled and pillaged the whole country, including Slovakia, where they committed the most brutal

atrocities. Later, in 1285, the Tartars again invaded Slovakia and devastated Spiš and the whole of eastern Slovakia. This invasion was used by the Cumans to pillage western Slovakia. It was thus that Slovakia had to pay for the weaknesses and defects of the kings of Hungary and their friendly relations with the Cumans.

The weaker the king, the more the power of the nobility increased. They appropriated royal and ecclesiastical properties and recognized no government over themselves. When King Ladislaus IV refused to reform and continued to spend most of his time in the Cuman camps, the Hungarian magnates assassinated him. His successor, Andrew III (1290-1301), tried to be a good king and did what he could to save the kingdom from catastrophe; but it was too late. By the end of the thirteenth century Hungary disintegrated into several parts in which wealthy magnates reigned as independent little kings. Among these nobles was Matúš Čák (Mahtoosh Tchak) of Trenčín, "the lord of the Váh and the Tatras," who became the ruler of a large part of Slovakia at the end of the thirteenth century.

Čák was not a Slovak by birth, but his ancestors had acquired large tracts of land in Slovakia. When he became the highest official of the royalty during the reign of Andrew III, he took advantage of his position and added new lands and castles to his family's holdings. Matúš Čák seized the lands of many nobles, forced others to recognize his sovereignty, appropriated many royal citadels and in his ruthlessness did not even hesitate taking ecclesiastical properties. In 1299 he captured Trenčín Castle which became the main stronghold of the mighty lord of the Váh and the Tatras.

Čák's power extended from the Morava river to Spiš and from the Danube to the Tatras, so that all of western Slovakia, except Bratislava and vicinity, and a large part of central Slovakia were under his rule.

Beyond the Danube the mighty Vyšehrad Castle guarded the borders of Čák's country. In his Trenčín citadel Matúš Čák organized his entire court in regal splendor, and numerous courtiers did his bidding. As an independent ruler, he had his own army, coined his own money in Nitra

and established relations with neighboring rulers. Čák of Trenčín built up his great power on the wealth which flowed to him from his extensive holdings. But the most reliable support of his power was the devotion and loyalty of his land administrators and his people. In Čák's army divisions of Slovak warriors also fought; they distinguished themselves by their courage, devotion and heroism. Čák's military glory, therefore, was in a large measure the merit of his Slovak subjects.

At that time the Amadei Clan ruled over eastern Slovakia, including Košice. It did not recognize the sovereignty of the Hungarian king. In 1301, when the death of King Andrew III brought the Árpád dynasty to an end and several rulers sought the Hungarian throne, Slovakia was for all practical purposes an independent state under Matúš Čák of Trenčín.

SLOVAKIA UNDER THE ANJOUS

After Andrew III's death, a part of the Hungarian nobility headed by Matúš Čák called a son of King Wenceslaus of Bohemia to the throne, who already then was in possession of the Polish Crown. But the twelve-year-old Crown Prince Wenceslaus, crowned in Stolný Belehrad, was opposed by another group which sided with Pope Boniface VIII and chose Charles Robert of the French house of Anjou, who ruled in Naples. Relying on his power, Matúš Čák of Trenčín opposed Charles Robert and defended the interests of the Bohemian Wenceslaus. He resisted the Anjous even after Wenceslaus renounced the Hungarian Crown and died shortly after in 1306 as the last male descendant of the Přemysl dynasty.

Soon after his accession to the throne, the Hungarian king attempted to break the power of the magnates and unite Hungary under his own rule. Matúš Čák of Trenčín continued to oppose the rule of Charles Robert. With his army he attacked the royal castle at Budín and fought the magnates and bishops who supported Charles Robert. In 1311, after he succeeded in gaining the support of the majority of the nobility, Charles Robert prepared for a showdown with Matúš Čák. But the latter allied himself with

the Amadei clan who opposed the king in eastern Slovakia. The combined armies of Matúš Čák and the Amadei defended themselves successfully at Šariš Castle and forced the king to retreat. The royal army withdrew to Spiš to rally the support of the German colonists there. With these new allies Charles again set out after Matúš Čák. In the decisive battle, which took place June 15, 1312, at Rožhanovce, not far from Košice, the king was victorious. The Amadei clan was completely routed, lost all its citadels and properties and was forced to flee to Poland, where it found refuge at the court of Ladislaus Lokietek, whom it had aided a short time before against the Czechs. The Amadei never returned to Hungary, but remained in Poland, and Charles Robert became master of eastern Slovakia.

Matúš Čák's setback at Rožhanovce did not break him completely. He continued to act independently in western Slovakia. Indeed, his power and prestige were still so great that the German King Frederick the Handsome, sought his aid in 1315 against Louis, the Bavarian, and against John of Luxemburg. Even though Charles Robert captured Vyšehrad and Komárno in 1317 and dangerously threatened the sovereignty of Matúš Čák of Trenčín, nevertheless, the lord of the Váh and the Tatras continued to rule independently to the end of his life. It was only after Matúš Čák died in the Trenčín castle in 1321, that Charles Robert was able to extend his rule over the western half of Slovakia. The following year Charles Robert also seized Bratislava, which had been in the hands of the Austrian dukes since the beginning of the fourteenth century.

Slovakia, after a brief period of independence, again became a part of the kingdom of Hungary which, under the rule of the Anjou dynasty, enjoyed a period of great political, economic and cultural growth. As soon as Charles Robert reunited the Hungarian kingdom, his first care was to put the economic affairs of Hungary into order. He founded many new cities, supported the development of mining, established a sound financial system, and encouraged commerce with neighboring states. It was during this period that a large number of new cities were founded also in Slovakia and the older ones were granted new privileges.

Bratislava, Trnava, Levoča, and Košice became important centers of international commerce. The king paid special attention to the Slovak mining towns, because their wealth swelled the royal coffers appreciably. Mining commissions supervised all mining projects and regulated the sale of all precious metals. A Count of the Chamber headed the mining commission; he concluded the rental agreement with the ruler and guaranteed the king revenues from the mines. The territory of Slovakia, rich in metallic ores, was divided into two mining chambers: the western half of Slovakia belonged under the management of the mining chamber of Kremnica, while the eastern half was managed by the chamber of Smolnica, which later moved its headquarters to Košice.

Župan Donč, who managed a large part of central Slovakia as the administrator of Zvolen, was a loyal adherent and faithful aide of Robert. At that time the Zvolen region was an extensive area, out of which later were gradually formed the independent districts of Turiec, Orava and Liptov, besides that of Zvolen. Administrator Donč founded Liptovský Hrádok, built many churches, endowed monasteries, and served at the papal court in Avignon as a representative of Charles Robert.

Slovakia played a significant role even in the international relations of the Hungarian kingdom. Already in 1327, Charles Robert and the Bohemian king, met in Trnava, where they formed an alliance against the Habsburgs. Slovakia became the territory on which the interests of the Hungarian, Bohemian and Polish kingdoms were settled. In 1335 the legates of John of Bohemia, Casimir the Great of Poland and Charles Robert assembled at Trenčín to determine the conditions of a friendly alliance. At this meeting an agreement was reached which enabled the meeting of the three kings in Vyšehrad Castle and thus contributed largely to safeguard peace in central Europe. Louis the Great (1342-1382), son and successor of Charles Robert, tried to extend the limits of the Hungarian kingdom. He waged frequent wars on the southern borders of Hungary and conquered the northern part of the Balkan peninsula and the territory of present-day Rumania. (To be continued)